

EXHIBIT 4

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PROTON MANAGEMENT LTD.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

ELECTRIC SOLIDUS, INC. d/b/a
SWAN BITCOIN, a Delaware
corporation,

Plaintiff,

v.

PROTON MANAGEMENT LTD., a
British Virgin Islands corporation;
THOMAS PATRICK FURLONG;
ILIOS CORP., a California corporation;
MICHAEL ALEXANDER HOLMES;
RAFAEL DIAS MONTELEONE;
SANTHIRAN NAIDOO; ENRIQUE
ROMUALDEZ; and LUCAS
VASONCELOS,

Defendants.

Case No. 2:24-cv-8280-MWC-E

**SPECIALLY APPEARING
DEFENDANT PROTON
MANAGEMENT LTD'S
RESPONSES AND OBJECTIONS
TO PLAINTIFF'S SECOND SET OF
REQUESTS FOR PRODUCTION
OF DOCUMENTS**

Am. Complaint filed: January 27, 2025

1 PROPOUNDING PARTY: Plaintiff ELECTRIC SOLIDUS, INC. d/b/a SWAN
2 BITCOIN

3 RESPONDING PARTY: Defendant PROTON MANAGEMENT LTD

4 SET NO.: Two (2)

5 Pursuant to Federal Rule of Civil Procedure 34, Specially Appearing
6 Defendant PROTON MANAGEMENT LTD (“Responding Party”) submits these
7 responses and objections to the Second Set of Requests for Production propounded
8 by Plaintiff ELECTRIC SOLIDUS, INC. d/b/a SWAN BITCOIN (“Propounding
9 Party”).

10 **PRELIMINARY STATEMENT**

11 The following responses are made solely for the purpose of, and in relation to,
12 this action. Each response is provided subject to all appropriate objections
13 (including, without limitation, objections concerning competency, relevancy,
14 materiality, propriety, and admissibility) that would require the exclusion of any
15 statement contained herein if the statement were made by a witness present and
16 testifying in court. All such objections and grounds therefore are reserved and may
17 be interposed at the time of trial.

18 The following responses are based on the facts and information presently
19 known and available to Responding Party. Discovery, investigation, research, and
20 analysis are still ongoing in this case and may disclose the existence of additional
21 facts, add meaning to known facts, establish entirely new factual conclusions or
22 legal contentions, or possibly lead to additions, variations, or changes to these
23 responses. Without being obligated to do so, Responding Party reserves the right to
24 change or supplement these responses as additional facts are discovered, revealed,
25 recalled, or otherwise ascertained, and as further analysis and research disclose
26 additional facts, contentions or legal theories which may apply.

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2 **GENERAL OBJECTIONS TO REQUESTS FOR PRODUCTION**

3 1. Responding Party objects to the Requests as premature because the
4 Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to
5 Dismiss Swan's Amended Complaint under Rule 12(b)(2) for lack of personal
6 jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party
7 is challenging a court's jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-
8 00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at *18 (C.D. Cal., Sept. 23,
9 2022) (denying motion to compel discovery and ordering stay pending court's ruling
10 on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet*
11 *Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D.
12 Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-
13 3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to
14 compel and stating defendant challenging court's subject matter jurisdiction was
15 within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No.
16 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting
17 defendant's motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v.*
18 *Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) ("a personal jurisdiction challenge
19 generally favors a stay of discovery").

20 2. Responding Party objects to the Requests in their entirety, and to each
21 request therein, on the grounds that Propounding Party has failed to comply with
22 Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with
23 reasonable particularity the trade secrets it alleges that any defendant
24 misappropriated before commencing discovery, as required by Section H of the
25 Court's Scheduling Order (Dkt. 95).

26 3. Responding Party objects to each and every request for production
27 contained in the Requests to the extent that it seeks information that is protected
28 from disclosure by the attorney-client privilege, work product doctrine, or any other

1 applicable privilege or protection. Responding Party does not waive any protections
2 or privileges by responding to the Requests. Any inadvertent disclosure of
3 privileged information or work product in response to the Requests shall not
4 constitute a waiver of any privilege or protection.

5 4. Responding Party objects to each and every request for production
6 contained in the Requests to the extent that it purports to impose any requirement or
7 discovery obligation on them that is inconsistent with, or not authorized by, those
8 set forth in the Federal Rules of Civil Procedure. Responding Party will construe
9 the Requests in a manner consistent with the Federal Rules of Civil Procedure.

10 5. Responding Party objects to each and every request for production
11 contained in the Requests to the extent that it is overbroad and subjects Responding
12 Party to unreasonable and undue annoyance, oppression, embarrassment, burden,
13 and expense, and seeks information which is beyond the scope of permissible
14 discovery and is neither relevant to any party's claims or defenses nor proportional
15 to the needs of the case.

16 6. Responding Party objects to each and every request for production
17 contained in the Requests to the extent that it is ambiguous, confusing, or vague.

18 7. Responding Party objects to each and every request for production
19 contained in the Requests to the extent that it is unreasonably cumulative or
20 duplicative.

21 8. Responding Party objects to each and every request for production
22 contained in the Requests to the extent that it would require Responding Party to
23 draw a legal conclusion in order to make a proper response.

24 9. Responding Party objects to each and every request for production
25 contained in the Requests to the extent that it seeks information (i) which is a matter
26 of public record, (ii) which is not in the possession, custody or control of
27 Responding Party and/or (iii) which is equally or more readily available from
28

1 another source, including Propounding Party's own files and records, that is more
2 convenient, less burdensome, or less expensive to Responding Party.

3 10. Responding Party objects to each and every request for production
4 contained in the Requests to the extent that it calls for the production of confidential,
5 proprietary, trade-secret, or other information in which individuals, including non-
6 parties, have an expectation of privacy. Responding Party further objects to each
7 and every request for production contained in the Requests to the extent it seeks
8 information protected by the privacy protection of the California Constitution, or
9 any other law, statute, or doctrine.

10 11. Responding Party objects to each and every request for production
11 contained in the Requests on the grounds that it is not restricted to a reasonable and
12 relevant time period and is therefore unduly burdensome to Responding Party.

13 12. Responding Party objects to the Requests to the extent that it seeks to
14 use the discovery process in this action to obtain documents for any purpose other
15 than for use in connection with claims and defenses currently raised in this action.

16 13. The fact that Responding Party has responded or objected to any
17 document requests, or part thereof, should not be taken as an admission that
18 Responding Party accepts that the document request or the response or the objection
19 thereto constitutes admissible evidence.

20 14. Responding Party reserves the right to supplement, modify or otherwise
21 change their response to the Requests as they develop new, better, additional or
22 different information.

23 **OBJECTIONS TO DEFINITIONS**

24 1. Responding Party objects to the definition of "**Communication**" as
25 overly broad, unduly burdensome, vague, ambiguous and unintelligible to the extent
26 it includes "whether or not the Communication was ever disclosed, sent, or
27 transmitted." For purposes of responding to the Requests, Responding Party will
28 exclude the portion noted above from the definition of "**Communications**" in the

1 Requests, and interpret the otherwise overbroad definition not to impose a burden
2 beyond what is required by the Federal Rules of Civil Procedure, the Federal Rules
3 of Evidence, and the Local Civil Rules of the U.S. District Court for the Central
4 District of California.

5 2. Responding Party objects to the definition of “**Documents**” as overly
6 broad, unduly burdensome, vague, ambiguous and unintelligible to the extent it
7 includes “whether or not the Communication was ever disclosed, sent, or
8 transmitted.” For purposes of responding to the Requests, Responding Party will
9 exclude the portion noted above from the definition of “**Documents**” in the
10 Requests, and interpret the otherwise overbroad definition not to impose a burden
11 beyond what is required by the Federal Rules of Civil Procedure, the Federal Rules
12 of Evidence, and the Local Civil Rules of the U.S. District Court for the Central
13 District of California.

14 3. Responding Party object to the definition of “**Proton**” or “**You**” as
15 overly broad, unduly burdensome, vague, ambiguous and unintelligible to the extent
16 that it includes “any of its members, employees, representatives, officers, directors,
17 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
18 and any other entities or Persons acting or purporting to act on its behalf.” For
19 purposes of responding to the Requests, Responding Party will interpret “**Proton**” or
20 “**You**” as referring to Defendant Proton Management Ltd.

21 4. Responding Party object to the definition of “**Elektron**” as overly
22 broad, unduly burdensome, vague, ambiguous and unintelligible to the extent that it
23 includes “any of its members, employees, representatives, officers, directors,
24 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
25 and any other entities or Persons acting or purporting to act on its behalf.” For
26 purposes of responding to the Requests, Responding Party will interpret “**Elektron**”
27 as referring to Defendant Elektron Management LLC.

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1 5. Responding Party objects to the definition of “**Concern**” or
2 “**Concerning**” as overly broad, unduly burdensome, vague, ambiguous and
3 unintelligible to the extent it includes “whether or not the Communication was ever
4 disclosed, sent, or transmitted.” For purposes of responding to the Requests,
5 Responding Party will exclude the portion noted above from the definition of
6 “**Concern**” or “**Concerning**” in the Requests, and interpret the otherwise overbroad
7 definition not to impose a burden beyond what is required by the Federal Rules of
8 Civil Procedure, the Federal Rules of Evidence, and the Local Civil Rules of the
9 U.S. District Court for the Central District of California.

10 6. Responding Party objects to the definition of “**Complaint**” as overly
11 broad, unduly burdensome, vague, ambiguous and unintelligible. For purposes of
12 responding to the Requests, Responding Party will interpret “**Complaint**” as
13 referring to the most recent complaint filed in this Action.

14 7. Responding Party objects to the definition of “**Person**” or “**Persons**” as
15 overly broad, unduly burdensome, vague, ambiguous and unintelligible. For
16 purposes of responding to the Requests, Responding Party will exclude the portion
17 noted above from the definition of “**Person**” or “**Persons**” in the Requests, and
18 interpret the otherwise overbroad definition not to impose a burden beyond what is
19 required by the Federal Rules of Civil Procedure, the Federal Rules of Evidence,
20 and the Local Civil Rules of the U.S. District Court for the Central District of
21 California.

22 8. Responding Party object to the definition of “**Swan**” as overly broad,
23 unduly burdensome, vague, ambiguous and unintelligible to the extent that it
24 includes “any of its members, employees, representatives, officers, directors,
25 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
26 and any other entities or Persons acting or purporting to act on its behalf.” For
27 purposes of responding to the Requests, Responding Party will interpret “**Swan**” as
28 referring to Plaintiff Electric Solidus, Inc. d/b/a Swan Bitcoin.

1 9. Responding Party object to the definition of “**Tether**” as overly broad,
2 unduly burdensome, vague, ambiguous and unintelligible to the extent that it
3 includes “any of its members, employees, representatives, officers, directors,
4 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
5 and any other entities or Persons acting or purporting to act on its behalf.” For
6 purposes of responding to the Requests, Responding Party will interpret “**Tether**” as
7 referring to Tether Investment Ltd.

8 10. Responding Party object to the definition of “**Marlin Capital**” as
9 overly broad, unduly burdensome, vague, ambiguous and unintelligible to the extent
10 that it includes “any of its members, employees, representatives, officers, directors,
11 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
12 and any other entities or Persons acting or purporting to act on its behalf.” For
13 purposes of responding to the Requests, Responding Party will interpret “**Marlin**
14 **Capital**” as referring to Marlin Capital Partners.

15 11. Responding Party object to the definition of “**2040 Energy**” as overly
16 broad, unduly burdensome, vague, ambiguous and unintelligible to the extent that it
17 includes “any of its members, employees, representatives, officers, directors,
18 managers, agents, attorneys, assigns, predecessors, affiliates, parents, subsidiaries,
19 and any other entities or Persons acting or purporting to act on its behalf.” For
20 purposes of responding to the Requests, Responding Party will interpret “**2040**
21 **Energy**” as referring to 2040 Energy Ltd.

22 12. Responding Party objects to the definition of “**Mining Site**” as overly
23 broad, unduly burdensome, vague, ambiguous and unintelligible, including with
24 regards to its statement that a “virtual site” and that a “Mining Site typically
25 includes specialized mining hardware such as application-specific integrated circuits
26 (“ASICs”), power supply systems, and cooling systems”. Responding Party will
27 interpret “**Mining Site**” as referring to a physical location where application-specific
28 integrated circuits (ASICs) are used to conduct bitcoin mining.

1 13. Responding Party objects to the definition of “**Swan’s Trade Secrets**”
2 as overly broad, unduly burdensome, vague, and ambiguous, including as it purports
3 to incorporate by reference “Swan’s Complaint” and “Swan’s Identification of
4 Asserted Trade Secrets (dated February 14, 2025).

5 14. Responding Party objects to the definition of “**Swan’s BNOC**” as
6 overly broad, unduly burdensome, vague, ambiguous and unintelligible including as
7 it purports to incorporate “Paragraphs 73-79 of the Complaint”. Responding Party
8 will interpret “**Swan’s BNOC**” as referring to the Bitcoin Network Operating
9 Center dashboard developed for 2040 Energy, without any admission with respect to
10 any claim that BNOC is proprietary to Propounding Party.

11 **RESPONSES TO REQUESTS FOR PRODUCTION**

12 **REQUEST FOR PRODUCTION NO. 5:**

13 Documents sufficient to show Proton’s corporate structure, including but not
14 limited to Documents sufficient to identify Proton’s parents, subsidiaries, and
15 affiliates, as well as the identities of Proton’s board of directors, officers, and
16 managers.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

18 Responding Party incorporates by references the General Objections and
19 Objections to Definitions above as if fully set forth herein. Responding Party objects
20 to this request as premature because the Court lacks personal jurisdiction over
21 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
22 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
23 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
24 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
25 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
26 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
27 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
28 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*

1 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
3 challenging court’s subject matter jurisdiction was within its rights to object);
4 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
5 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
6 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
7 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
8 discovery”). Responding Party objects to this request to the extent that it seeks
9 information that is protected from disclosure by the attorney-client privilege, work
10 product doctrine, or any other applicable privilege or protection. Responding Party
11 objects to this request to the extent that it is unreasonably cumulative or duplicative
12 of other requests for production. Responding Party objects to the request to the
13 extent that it purports to require Responding Party to produce documents that
14 contain trade secrets of Responding Party, or other confidential business, financial,
15 proprietary, or sensitive information of Responding Party or third parties without
16 entry of a satisfactory confidentiality order. Responding Party further objects to this
17 Request on the grounds that Propounding Party has failed to comply with Cal. Civ.
18 Proc. Code § 2019.210, which requires Propounding Party to identify with
19 reasonable particularity the trade secrets it alleges that any defendant
20 misappropriated before commencing discovery, as required by Section H of the
21 Court’s Scheduling Order (Dkt. 95).

22 **REQUEST FOR PRODUCTION NO. 6:**

23 Organizational charts for Proton’s employees and consultants, including
24 names, titles, and reporting lines.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

26 Responding Party incorporates by references the General Objections and
27 Objections to Definitions above as if fully set forth herein. Responding Party objects
28 to this request as premature because the Court lacks personal jurisdiction over

1 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
2 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
3 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
4 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
5 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
6 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
7 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
8 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
9 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
10 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
11 challenging court’s subject matter jurisdiction was within its rights to object);
12 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
13 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
14 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
15 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
16 discovery”). Responding Party objects to this request to the extent that it seeks
17 information that is protected from disclosure by the attorney-client privilege, work
18 product doctrine, or any other applicable privilege or protection. Responding Party
19 objects to this request to the extent that it is unreasonably cumulative or duplicative
20 of other requests for production. Responding Party objects to the request to the
21 extent that it purports to require Responding Party to produce documents that
22 contain trade secrets of Responding Party, or other confidential business, financial,
23 proprietary, or sensitive information of Responding Party or third parties without
24 entry of a satisfactory confidentiality order. Responding Party further objects to this
25 Request on the grounds that Propounding Party has failed to comply with Cal. Civ.
26 Proc. Code § 2019.210, which requires Propounding Party to identify with
27 reasonable particularity the trade secrets it alleges that any defendant
28 misappropriated before commencing discovery, as required by Section H of the

1 Court's Scheduling Order (Dkt. 95).

2 **REQUEST FOR PRODUCTION NO. 7:**

3 All Documents and Communications concerning Proton's formation and
4 registration, including but not limited to Documents and Communications
5 concerning who caused Proton's incorporation and on which date that person did so,
6 as well as all communications San Naidoo and Alex Holmes exchanged with anyone
7 regarding Proton's formation and registration.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

9 Responding Party incorporates by references the General Objections and
10 Objections to Definitions above as if fully set forth herein. Responding Party objects
11 to this request as premature because the Court lacks personal jurisdiction over
12 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
13 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
14 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
15 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
16 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
17 ordering stay pending court's ruling on Rule 12 motion for lack of personal
18 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
19 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
20 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
21 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
22 challenging court's subject matter jurisdiction was within its rights to object);
23 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
24 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
25 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
26 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
27 discovery"). Responding Party objects to this request to the extent that it seeks
28 information that is protected from disclosure by the attorney-client privilege, work

1 product doctrine, or any other applicable privilege or protection. Responding Party
2 also objects to this request's demand as being compound, overbroad, overly
3 burdensome, and harassing, and as seeking documents that are not relevant to the
4 claims or defenses in this action. Responding Party further objects to this request on
5 the grounds that it is vague, overbroad and subjects Responding Party to
6 unreasonable and undue burden and expense. Responding Party also objects to this
7 request on the grounds and to the extent that it seeks information that is not in the
8 possession, custody or control of Responding Party and/or is equally or more readily
9 available from another source which is more convenient, less burdensome, or less
10 expensive. Responding Party objects to this request to the extent that it is
11 unreasonably cumulative or duplicative of other requests for production.
12 Responding Party objects to the request therein, to the extent that it purports to
13 require Responding Party to produce documents that contain trade secrets of
14 Responding Party, or other confidential business, financial, proprietary, or sensitive
15 information of Responding Party or third parties without entry of a satisfactory
16 confidentiality order. Responding Party also objects to this request for "All
17 Documents and Communications" on the grounds that it is overbroad and subjects
18 Responding Party to unreasonable and undue annoyance, oppression, burden, and
19 expense. Responding Party objects that this request is vague and ambiguous,
20 including in its use of the phrase "concerning Proton's formation and registration".
21 Responding Party further objects to this Request on the grounds that Propounding
22 Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires
23 Propounding Party to identify with reasonable particularity the trade secrets it alleges
24 that any defendant misappropriated before commencing discovery, as required by
25 Section H of the Court's Scheduling Order (Dkt. 95).

26 **REQUEST FOR PRODUCTION NO. 8:**

27 Documents sufficient to show Elektron's corporate structure, including but
28 not limited to Documents sufficient to identify Elektron's owners, parents,

1 subsidiaries, and affiliates, as well as the identities of Elektron’s board of directors,
2 officers, and managers.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

4 Responding Party incorporates by references the General Objections and
5 Objections to Definitions above as if fully set forth herein. Responding Party objects
6 to this request as premature because the Court lacks personal jurisdiction over
7 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
8 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
9 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
10 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
11 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
12 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
13 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
14 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
15 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
16 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
17 challenging court’s subject matter jurisdiction was within its rights to object);
18 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
19 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
20 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
21 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
22 discovery”). Responding Party objects to this request to the extent that it seeks
23 information that is protected from disclosure by the attorney-client privilege, work
24 product doctrine, or any other applicable privilege or protection. Responding Party
25 objects to this request to the extent that it is unreasonably cumulative or duplicative
26 of other requests for production. Responding Party objects to the term “Elektron” as
27 overly broad, unduly burdensome, vague, ambiguous and unintelligible.

28 Responding Party objects to the request to the extent that it purports to require

1 Responding Party to produce documents that contain trade secrets of Responding
2 Party, or other confidential business, financial, proprietary, or sensitive information
3 of Responding Party or third parties without entry of a satisfactory confidentiality
4 order. Responding Party further objects to this Request on the grounds that
5 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
6 which requires Propounding Party to identify with reasonable particularity the trade
7 secrets it alleges that any defendant misappropriated before commencing discovery,
8 as required by Section H of the Court's Scheduling Order (Dkt. 95).

9 **REQUEST FOR PRODUCTION NO. 9:**

10 Organizational charts for Elektron's employees and consultants, including
11 names, titles, and reporting lines.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

13 Responding Party incorporates by references the General Objections and
14 Objections to Definitions above as if fully set forth herein. Responding Party objects
15 to this request as premature because the Court lacks personal jurisdiction over
16 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
17 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
18 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
19 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
20 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
21 ordering stay pending court's ruling on Rule 12 motion for lack of personal
22 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
23 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
24 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
25 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
26 challenging court's subject matter jurisdiction was within its rights to object);
27 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
28 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay

1 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
2 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
3 discovery”). Responding Party objects to this request to the extent that it seeks
4 information that is protected from disclosure by the attorney-client privilege, work
5 product doctrine, or any other applicable privilege or protection. Responding Party
6 objects to this request to the extent that it is unreasonably cumulative or duplicative
7 of other requests for production. Responding Party objects to the term “Elektron” as
8 overly broad, unduly burdensome, vague, ambiguous and unintelligible.
9 Responding Party objects to the request to the extent that it purports to require
10 Responding Party to produce documents that contain trade secrets of Responding
11 Party, or other confidential business, financial, proprietary, or sensitive information
12 of Responding Party or third parties without entry of a satisfactory confidentiality
13 order. Responding Party further objects to this Request on the grounds that
14 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
15 which requires Propounding Party to identify with reasonable particularity the trade
16 secrets it alleges that any defendant misappropriated before commencing discovery,
17 as required by Section H of the Court’s Scheduling Order (Dkt. 95).

18 **REQUEST FOR PRODUCTION NO. 10:**

19 All Documents and Communications concerning Elektron’s formation and
20 registration, including but not limited to Documents and Communications
21 concerning who caused Elektron’s incorporation and on which date that person did
22 so.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

24 Responding Party incorporates by references the General Objections and
25 Objections to Definitions above as if fully set forth herein. Responding Party objects
26 to this request as premature because the Court lacks personal jurisdiction over
27 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
28 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper

1 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
2 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
3 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
4 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
5 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
6 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
7 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
8 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
9 challenging court’s subject matter jurisdiction was within its rights to object);
10 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
11 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
12 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
13 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
14 discovery”). Responding Party objects to this request to the extent that it seeks
15 information that is protected from disclosure by the attorney-client privilege, work
16 product doctrine, or any other applicable privilege or protection. Responding Party
17 also objects to this request’s demand as being compound, overbroad, overly
18 burdensome, and harassing, and as seeking documents that are not relevant to the
19 claims or defenses in this action. Responding Party further objects to this request on
20 the grounds that it is vague, overbroad and subjects Responding Party to
21 unreasonable and undue burden and expense. Responding Party also objects to this
22 request on the grounds and to the extent that it seeks information that is not in the
23 possession, custody or control of Responding Party and/or is equally or more readily
24 available from another source which is more convenient, less burdensome, or less
25 expensive. Responding Party objects to this request to the extent that it is
26 unreasonably cumulative or duplicative of other requests for production.
27 Responding Party objects to the request to the extent that it purports to require
28 Responding Party to produce documents that contain trade secrets of Responding

1 Party, or other confidential business, financial, proprietary, or sensitive information
2 of Responding Party or third parties without entry of a satisfactory confidentiality
3 order. Responding Party objects that this request is vague and ambiguous, including
4 in its use of the phrase “Elektron’s formation and registration”. Responding Party
5 objects to the term “Elektron” as overly broad, unduly burdensome, vague,
6 ambiguous and unintelligible. Responding Party also objects to this request for “All
7 Documents and Communications” on the grounds that it is overbroad and subjects
8 Responding Party to unreasonable and undue annoyance, oppression, burden, and
9 expense. Responding Party further objects to this Request on the grounds that
10 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
11 which requires Propounding Party to identify with reasonable particularity the trade
12 secrets it alleges that any defendant misappropriated before commencing discovery,
13 as required by Section H of the Court’s Scheduling Order (Dkt. 95).

14 **REQUEST FOR PRODUCTION NO. 11:**

15 Documents sufficient to identify all persons who have been or are engaged to
16 do work on Your behalf related to Bitcoin mining, including but not limited to those
17 identifying Your employees, consultants, and other agents, including Documents
18 sufficient to identify those persons’ roles and responsibilities and the dates of their
19 engagements.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

21 Responding Party incorporates by references the General Objections and
22 Objections to Definitions above as if fully set forth herein. Responding Party objects
23 to this request as premature because the Court lacks personal jurisdiction over
24 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
25 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
26 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
27 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
28 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and

1 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
2 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
3 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
4 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
5 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
6 challenging court’s subject matter jurisdiction was within its rights to object);
7 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
8 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
9 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
10 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
11 discovery”). Responding Party objects to this request to the extent that it seeks
12 information that is protected from disclosure by the attorney-client privilege, work
13 product doctrine, or any other applicable privilege or protection. Responding Party
14 objects to this request to the extent that it is unreasonably cumulative or duplicative
15 of other requests for production. Responding Party objects to the request to the
16 extent that it purports to require Responding Party to produce documents that
17 contain trade secrets of Responding Party, or other confidential business, financial,
18 proprietary, or sensitive information of Responding Party or third parties without
19 entry of a satisfactory confidentiality order. Responding Party objects that this
20 request is vague and ambiguous, including in its use of the phrase “all persons who
21 have been or are engaged to do work on Your behalf related to Bitcoin mining”.
22 Responding Party further objects to this Request on the grounds that Propounding
23 Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires
24 Propounding Party to identify with reasonable particularity the trade secrets it alleges
25 that any defendant misappropriated before commencing discovery, as required by
26 Section H of the Court’s Scheduling Order (Dkt. 95).

27 **REQUEST FOR PRODUCTION NO. 12:**

28 All agreements and Communications related to agreements between You and

1 any other person concerning Bitcoin mining, as well as any drafts, term sheets, or
2 amendments related to same, as well as Communications related to the negotiation
3 or execution of same, and including but not limited to (i) agreements between You
4 and third parties and (ii) agreements between Your employees, consultants, and
5 other agents and third parties.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

7 Responding Party incorporates by references the General Objections and
8 Objections to Definitions above as if fully set forth herein. Responding Party objects
9 to this request as premature because the Court lacks personal jurisdiction over
10 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
11 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
12 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
13 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
14 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
15 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
16 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
17 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
18 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
19 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
20 challenging court’s subject matter jurisdiction was within its rights to object);
21 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
22 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
23 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
24 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
25 discovery”). Responding Party objects to this request to the extent that it seeks
26 information that is protected from disclosure by the attorney-client privilege, work
27 product doctrine, or any other applicable privilege or protection. Responding Party
28 also objects to this request’s demand as being compound, overbroad, overly

1 burdensome, and harassing, and as seeking documents that are not relevant to the
2 claims or defenses in this action. Responding Party further objects to this request on
3 the grounds that it is vague, overbroad and subjects Responding Party to
4 unreasonable and undue burden and expense. Responding Party also objects to this
5 request on the grounds and to the extent that it seeks information that is not in the
6 possession, custody or control of Responding Party and/or is equally or more readily
7 available from another source which is more convenient, less burdensome, or less
8 expensive. Responding Party objects to this request to the extent that it is
9 unreasonably cumulative or duplicative of other requests for production.

10 Responding Party objects to the request to the extent that it purports to require
11 Responding Party to produce documents that contain trade secrets of Responding
12 Party, or other confidential business, financial, proprietary, or sensitive information
13 of Responding Party or third parties without entry of a satisfactory confidentiality
14 order. Responding Party also objects to this request for “All agreements and
15 Communications” on the grounds that it is overbroad and subjects Responding Party
16 to unreasonable and undue annoyance, oppression, burden, and expense.

17 Responding Party objects that this request is vague and ambiguous, including in its
18 use of the phrase “agreements between You and any other person concerning
19 Bitcoin mining”. Responding Party further objects to this Request on the grounds
20 that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
21 which requires Propounding Party to identify with reasonable particularity the trade
22 secrets it alleges that any defendant misappropriated before commencing discovery,
23 as required by Section H of the Court’s Scheduling Order (Dkt. 95).

24 **REQUEST FOR PRODUCTION NO. 13:**

25 Your agreements with the following persons, including but not limited to
26 these persons’ employment or consulting agreements with You: Thomas Patrick
27 Furlong, Alex Holmes, Ilios Corp., Rafael Dias Monteleone, San Naidoo, Enrique
28 Romualdez, Lucas Vasconcelos, Aleksander Dozic, Bill Belitsky, Kar Sola, Raphael

1 Zagury, Brett Hiley, Max Berg, Tyler Effertz.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

3 Responding Party incorporates by references the General Objections and
4 Objections to Definitions above as if fully set forth herein. Responding Party objects
5 to this request as premature because the Court lacks personal jurisdiction over
6 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
7 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
8 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
9 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
10 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
11 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
12 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
13 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
14 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
15 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
16 challenging court’s subject matter jurisdiction was within its rights to object);
17 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
18 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
19 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
20 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
21 discovery”). Responding Party objects to this request to the extent that it seeks
22 information that is protected from disclosure by the attorney-client privilege, work
23 product doctrine, or any other applicable privilege or protection. Responding Party
24 objects to this request to the extent that it is unreasonably cumulative or duplicative
25 of other requests for production. Responding Party objects to the request to the
26 extent that it purports to require Responding Party to produce documents that
27 contain trade secrets of Responding Party, or other confidential business, financial,
28 proprietary, or sensitive information of Responding Party or third parties without

1 entry of a satisfactory confidentiality order. Responding Party further objects to this
2 Request on the grounds that Propounding Party has failed to comply with Cal. Civ.
3 Proc. Code § 2019.210, which requires Propounding Party to identify with
4 reasonable particularity the trade secrets it alleges that any defendant
5 misappropriated before commencing discovery, as required by Section H of the
6 Court's Scheduling Order (Dkt. 95).

7 **REQUEST FOR PRODUCTION NO. 14:**

8 All Documents and Communications related to the hiring (whether as an
9 employee, consultant, or in another role) of Thomas Patrick Furlong, Alex Holmes,
10 Ilios Corp., Rafael Dias Monteleone, San Naidoo, Enrique Romualdez, Lucas
11 Vasconcelos, Aleksander Dozic, Bill Belitsky, Kar Sola, Raphael Zagury, Brett
12 Hiley, Max Berg, and Tyler Effertz, including but not limited to their respective
13 personnel files and human resource records.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

15 Responding Party incorporates by references the General Objections and
16 Objections to Definitions above as if fully set forth herein. Responding Party objects
17 to this request as premature because the Court lacks personal jurisdiction over
18 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
19 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
20 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
21 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
22 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
23 ordering stay pending court's ruling on Rule 12 motion for lack of personal
24 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
25 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
26 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
27 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
28 challenging court's subject matter jurisdiction was within its rights to object);

1 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
2 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
3 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
4 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
5 discovery”). Responding Party objects to this request to the extent that it seeks
6 information that is protected from disclosure by the attorney-client privilege, work
7 product doctrine, or any other applicable privilege or protection. Responding Party
8 also objects to this request’s demand as being compound, overbroad, overly
9 burdensome, and harassing, and as seeking documents that are not relevant to the
10 claims or defenses in this action. Responding Party further objects to this request on
11 the grounds that it is vague, overbroad and subjects Responding Party to
12 unreasonable and undue burden and expense. Responding Party also objects to this
13 request on the grounds and to the extent that it seeks information that is not in the
14 possession, custody or control of Responding Party and/or is equally or more readily
15 available from another source which is more convenient, less burdensome, or less
16 expensive. Responding Party objects to this request to the extent that it is
17 unreasonably cumulative or duplicative of other requests for production.
18 Responding Party objects to the request to the extent that it purports to require
19 Responding Party to produce documents that contain trade secrets of Responding
20 Party, or other confidential business, financial, proprietary, or sensitive information
21 of Responding Party or third parties without entry of a satisfactory confidentiality
22 order. Responding Party also objects to this request for “All Documents and
23 Communications” on the grounds that it is overbroad and subjects Responding Party
24 to unreasonable and undue annoyance, oppression, burden, and expense.
25 Responding Party further objects to this Request on the grounds that Propounding
26 Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires
27 Propounding Party to identify with reasonable particularity the trade secrets it alleges
28 that any defendant misappropriated before commencing discovery, as required by

1 Section H of the Court's Scheduling Order (Dkt. 95).

2 **REQUEST FOR PRODUCTION NO. 15:**

3 All Documents and Communications concerning Your hiring (whether as an
4 employee, consultant, or in any other role) any additional personnel or consultants to
5 work in roles related to Bitcoin mining.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

7 Responding Party incorporates by references the General Objections and
8 Objections to Definitions above as if fully set forth herein. Responding Party objects
9 to this request as premature because the Court lacks personal jurisdiction over
10 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
11 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
12 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
13 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
14 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
15 ordering stay pending court's ruling on Rule 12 motion for lack of personal
16 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
17 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
18 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
19 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
20 challenging court's subject matter jurisdiction was within its rights to object);
21 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
22 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
23 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
24 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
25 discovery"). Responding Party objects to this request to the extent that it seeks
26 information that is protected from disclosure by the attorney-client privilege, work
27 product doctrine, or any other applicable privilege or protection. Responding Party
28 also objects to this request's demand as being compound, overbroad, overly

1 burdensome, and harassing, and as seeking documents that are not relevant to the
2 claims or defenses in this action. Responding Party further objects to this request on
3 the grounds that it is vague, overbroad and subjects Responding Party to
4 unreasonable and undue burden and expense. Responding Party also objects to this
5 request on the grounds and to the extent that it seeks information that is not in the
6 possession, custody or control of Responding Party and/or is equally or more readily
7 available from another source which is more convenient, less burdensome, or less
8 expensive. Responding Party objects to this request to the extent that it is
9 unreasonably cumulative or duplicative of other requests for production.

10 Responding Party objects to the request to the extent that it purports to require
11 Responding Party to produce documents that contain trade secrets of Responding
12 Party, or other confidential business, financial, proprietary, or sensitive information
13 of Responding Party or third parties without entry of a satisfactory confidentiality
14 order. Responding Party also objects to this request for “All Documents and
15 Communications” on the grounds that it is overbroad and subjects Responding Party
16 to unreasonable and undue annoyance, oppression, burden, and expense.

17 Responding Party further objects to this Request on the grounds that Propounding
18 Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires
19 Propounding Party to identify with reasonable particularity the trade secrets it alleges
20 that any defendant misappropriated before commencing discovery, as required by
21 Section H of the Court’s Scheduling Order (Dkt. 95).

22 **REQUEST FOR PRODUCTION NO. 16:**

23 All Documents and Communications concerning Your assuming, taking over,
24 being engaged to work on or otherwise working on responsibilities and/or roles
25 related to Bitcoin mining that were previously maintained or held by Swan.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

27 Responding Party incorporates by references the General Objections and
28 Objections to Definitions above as if fully set forth herein. Responding Party objects

1 to this request as premature because the Court lacks personal jurisdiction over
2 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
3 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
4 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
5 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
6 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
7 ordering stay pending court's ruling on Rule 12 motion for lack of personal
8 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
9 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
10 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
11 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
12 challenging court's subject matter jurisdiction was within its rights to object);
13 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
14 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
15 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
16 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
17 discovery"). Responding Party objects to this request to the extent that it seeks
18 information that is protected from disclosure by the attorney-client privilege, work
19 product doctrine, or any other applicable privilege or protection. Responding Party
20 also objects to this request's demand as being compound, overbroad, overly
21 burdensome, and harassing, and as seeking documents that are not relevant to the
22 claims or defenses in this action. Responding Party further objects to this request on
23 the grounds that it is vague, overbroad and subjects Responding Party to
24 unreasonable and undue burden and expense. Responding Party also objects to this
25 request on the grounds and to the extent that it seeks information that is not in the
26 possession, custody or control of Responding Party and/or is equally or more readily
27 available from another source which is more convenient, less burdensome, or less
28 expensive. Responding Party objects to this request to the extent that it is

1 unreasonably cumulative or duplicative of other requests for production.
2 Responding Party objects to the request to the extent that it purports to require
3 Responding Party to produce documents that contain trade secrets of Responding
4 Party, or other confidential business, financial, proprietary, or sensitive information
5 of Responding Party or third parties without entry of a satisfactory confidentiality
6 order. Responding Party also objects to this request for “All Documents and
7 Communications” on the grounds that it is overbroad and subjects Responding Party
8 to unreasonable and undue annoyance, oppression, burden, and expense.
9 Responding Party objects that this request is vague and ambiguous, including in its
10 use of the phrase “assuming, taking over, being engaged to work on or otherwise
11 working on”. Responding Party further objects to this Request on the grounds that
12 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
13 which requires Propounding Party to identify with reasonable particularity the trade
14 secrets it alleges that any defendant misappropriated before commencing discovery,
15 as required by Section H of the Court’s Scheduling Order (Dkt. 95).

16 **REQUEST FOR PRODUCTION NO. 17:**

17 All Documents and Communications concerning the specific methods, tools
18 models, or techniques that you use to select sites for, manage, operate, monitor, or
19 otherwise oversee Bitcoin mining operations.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

21 Responding Party incorporates by references the General Objections and
22 Objections to Definitions above as if fully set forth herein. Responding Party objects
23 to this request as premature because the Court lacks personal jurisdiction over
24 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
25 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
26 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
27 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
28 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and

1 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
2 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
3 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
4 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
5 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
6 challenging court’s subject matter jurisdiction was within its rights to object);
7 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
8 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
9 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
10 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
11 discovery”). Responding Party objects to this request to the extent that it seeks
12 information that is protected from disclosure by the attorney-client privilege, work
13 product doctrine, or any other applicable privilege or protection. Responding Party
14 also objects to this request’s demand as being compound, overbroad, overly
15 burdensome, and harassing, and as seeking documents that are not relevant to the
16 claims or defenses in this action. Responding Party further objects to this request on
17 the grounds that it is vague, overbroad and subjects Responding Party to
18 unreasonable and undue burden and expense. Responding Party also objects to this
19 request on the grounds and to the extent that it seeks information that is not in the
20 possession, custody or control of Responding Party and/or is equally or more readily
21 available from another source which is more convenient, less burdensome, or less
22 expensive. Responding Party objects to this request to the extent that it is
23 unreasonably cumulative or duplicative of other requests for production.
24 Responding Party objects to the request to the extent that it purports to require
25 Responding Party to produce documents that contain trade secrets of Responding
26 Party, or other confidential business, financial, proprietary, or sensitive information
27 of Responding Party or third parties without entry of a satisfactory confidentiality
28 order. Responding Party also objects to this request for “All Documents and

1 Communications” on the grounds that it is overbroad and subjects Responding Party
2 to unreasonable and undue annoyance, oppression, burden, and expense.
3 Responding Party objects that this request is vague and ambiguous, including in its
4 use of the phrase “specific methods, tools models, or techniques that you use to
5 select sites for, manage, operate, monitor, or otherwise oversee Bitcoin mining
6 operations”. Responding Party further objects to this Request on the grounds that
7 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
8 which requires Propounding Party to identify with reasonable particularity the trade
9 secrets it alleges that any defendant misappropriated before commencing discovery,
10 as required by Section H of the Court’s Scheduling Order (Dkt. 95).

11 **REQUEST FOR PRODUCTION NO. 18:**

12 Documents sufficient to identify all Mining Sites at which You manage,
13 operate, or otherwise oversee Bitcoin mining operations.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

15 Responding Party incorporates by references the General Objections and
16 Objections to Definitions above as if fully set forth herein. Responding Party objects
17 to this request as premature because the Court lacks personal jurisdiction over
18 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
19 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
20 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
21 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
22 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
23 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
24 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
25 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
26 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
27 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
28 challenging court’s subject matter jurisdiction was within its rights to object);

1 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
2 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
3 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
4 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
5 discovery”). Responding Party objects to this request to the extent that it seeks
6 information that is protected from disclosure by the attorney-client privilege, work
7 product doctrine, or any other applicable privilege or protection. Responding Party
8 objects to this request to the extent that it is unreasonably cumulative or duplicative
9 of other requests for production. Responding Party objects to the request to the
10 extent that it purports to require Responding Party to produce documents that
11 contain trade secrets of Responding Party, or other confidential business, financial,
12 proprietary, or sensitive information of Responding Party or third parties without
13 entry of a satisfactory confidentiality order. Responding Party further objects to this
14 Request on the grounds that Propounding Party has failed to comply with Cal. Civ.
15 Proc. Code § 2019.210, which requires Propounding Party to identify with
16 reasonable particularity the trade secrets it alleges that any defendant
17 misappropriated before commencing discovery, as required by Section H of the
18 Court’s Scheduling Order (Dkt. 95).

19 **REQUEST FOR PRODUCTION NO. 19:**

20 Documents sufficient to show Bitcoin mining operations that You considered
21 or planned to manage, operate, or otherwise oversee, or that any other Person asked,
22 suggested, or discussed Your managing, operating, or otherwise overseeing,
23 including Documents and Communications concerning the specific methods, tools,
24 models, or techniques that you considered or planned to use in connection with such
25 mining operations.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

27 Responding Party incorporates by references the General Objections and
28 Objections to Definitions above as if fully set forth herein. Responding Party objects

1 to this request as premature because the Court lacks personal jurisdiction over
2 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
3 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
4 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
5 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
6 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
7 ordering stay pending court's ruling on Rule 12 motion for lack of personal
8 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
9 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
10 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
11 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
12 challenging court's subject matter jurisdiction was within its rights to object);
13 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
14 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
15 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
16 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
17 discovery"). Responding Party objects to this request to the extent that it seeks
18 information that is protected from disclosure by the attorney-client privilege, work
19 product doctrine, or any other applicable privilege or protection. Responding Party
20 objects to this request to the extent that it is unreasonably cumulative or duplicative
21 of other requests for production. Responding Party objects to the request to the
22 extent that it purports to require Responding Party to produce documents that
23 contain trade secrets of Responding Party, or other confidential business, financial,
24 proprietary, or sensitive information of Responding Party or third parties without
25 entry of a satisfactory confidentiality order. Responding Party objects that this
26 request is vague and ambiguous, including in its use of the phrases "considered or
27 planned" and "Bitcoin mining operations, managing, operating, or otherwise
28 overseeing". Responding Party further objects to this Request on the grounds that

1 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
2 which requires Propounding Party to identify with reasonable particularity the trade
3 secrets it alleges that any defendant misappropriated before commencing discovery,
4 as required by Section H of the Court's Scheduling Order (Dkt. 95).

5 **REQUEST FOR PRODUCTION NO. 20:**

6 All Documents and Communications concerning the decrease or cessation of
7 Bitcoin mining operations at any Mining Sites that Swan previously managed,
8 operated, or otherwise engaged with, including but not limited to Communications
9 and Documents regarding the removal of Bitcoin mining hardware, such as ASICs,
10 power supply systems, and cooling systems, from those sites.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

12 Responding Party incorporates by references the General Objections and
13 Objections to Definitions above as if fully set forth herein. Responding Party objects
14 to this request as premature because the Court lacks personal jurisdiction over
15 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
16 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
17 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
18 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
19 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
20 ordering stay pending court's ruling on Rule 12 motion for lack of personal
21 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
22 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
23 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
24 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
25 challenging court's subject matter jurisdiction was within its rights to object);
26 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
27 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
28 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087

(D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party also objects to this request’s demand as being compound, overbroad, overly burdensome, and harassing, and as seeking documents that are not relevant to the claims or defenses in this action. Responding Party further objects to this request on the grounds that it is vague, overbroad and subjects Responding Party to unreasonable and undue burden and expense. Responding Party also objects to this request on the grounds and to the extent that it seeks information that is not in the possession, custody or control of Responding Party and/or is equally or more readily available from another source which is more convenient, less burdensome, or less expensive. Responding Party objects to this request to the extent that it is unreasonably cumulative or duplicative of other requests for production. Responding Party objects to the request to the extent that it purports to require Responding Party to produce documents that contain trade secrets of Responding Party, or other confidential business, financial, proprietary, or sensitive information of Responding Party or third parties without entry of a satisfactory confidentiality order. Responding Party also objects to this request for “All Documents and Communications” on the grounds that it is overbroad and subjects Responding Party to unreasonable and undue annoyance, oppression, burden, and expense. Responding Party objects that this request is vague and ambiguous, including in its use of the phrases “Bitcoin mined by mining pools Proton is a member of” and corporate ownership of each Person”. Responding Party further objects to this Request on the grounds that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with reasonable particularity the trade secrets it alleges that any defendant misappropriated before commencing discovery, as required by Section H of the

1 Court's Scheduling Order (Dkt. 95).

2 **REQUEST FOR PRODUCTION NO. 21:**

3 All Documents and Communications reflecting any correspondence between
4 You and any current or former Swan employee or consultant discussing the topic of
5 employment or potential employment at Proton or Elektron (or joining a company
6 that was later formed as Proton or Elektron), as well as all of Your internal
7 Documents and Communications regarding the employment or potential
8 employment of any current or former Swan employee or consultant.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

10 Responding Party incorporates by references the General Objections and
11 Objections to Definitions above as if fully set forth herein. Responding Party objects
12 to this request as premature because the Court lacks personal jurisdiction over
13 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
14 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
15 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
16 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
17 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
18 ordering stay pending court's ruling on Rule 12 motion for lack of personal
19 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
20 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
21 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
22 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
23 challenging court's subject matter jurisdiction was within its rights to object);
24 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
25 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
26 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
27 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
28 discovery"). Responding Party objects to this request to the extent that it seeks

1 information that is protected from disclosure by the attorney-client privilege, work
2 product doctrine, or any other applicable privilege or protection. Responding Party
3 also objects to this request's demand as being compound, overbroad, overly
4 burdensome, and harassing, and as seeking documents that are not relevant to the
5 claims or defenses in this action. Responding Party further objects to this request on
6 the grounds that it is vague, overbroad and subjects Responding Party to
7 unreasonable and undue burden and expense. Responding Party also objects to this
8 request on the grounds and to the extent that it seeks information that is not in the
9 possession, custody or control of Responding Party and/or is equally or more readily
10 available from another source which is more convenient, less burdensome, or less
11 expensive. Responding Party objects to this request to the extent that it is
12 unreasonably cumulative or duplicative of other requests for production.
13 Responding Party objects to the term "Elektron" as overly broad, unduly
14 burdensome, vague, ambiguous and unintelligible. Responding Party objects to the
15 request to the extent that it purports to require Responding Party to produce
16 documents that contain trade secrets of Responding Party, or other confidential
17 business, financial, proprietary, or sensitive information of Responding Party or
18 third parties without entry of a satisfactory confidentiality order. Responding Party
19 also objects to this request for "All Documents and Communications" on the
20 grounds that it is overbroad and subjects Responding Party to unreasonable and
21 undue annoyance, oppression, burden, and expense. Responding Party further
22 objects to this Request on the grounds that Propounding Party has failed to comply
23 with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify
24 with reasonable particularity the trade secrets it alleges that any defendant
25 misappropriated before commencing discovery, as required by Section H of the
26 Court's Scheduling Order (Dkt. 95).

27 **REQUEST FOR PRODUCTION NO. 22:**

28 All Documents and Communications concerning Your actual, planned, or

1 attempted recruitment of any persons who provided or currently provide services to
2 Swan.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

4 Responding Party incorporates by references the General Objections and
5 Objections to Definitions above as if fully set forth herein. Responding Party objects
6 to this request as premature because the Court lacks personal jurisdiction over
7 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
8 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
9 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
10 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
11 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
12 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
13 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
14 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
15 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
16 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
17 challenging court’s subject matter jurisdiction was within its rights to object);
18 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
19 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
20 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
21 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
22 discovery”). Responding Party objects to this request to the extent that it seeks
23 information that is protected from disclosure by the attorney-client privilege, work
24 product doctrine, or any other applicable privilege or protection. Responding Party
25 also objects to this request’s demand as being compound, overbroad, overly
26 burdensome, and harassing, and as seeking documents that are not relevant to the
27 claims or defenses in this action. Responding Party further objects to this request on
28 the grounds that it is vague, overbroad and subjects Responding Party to

1 unreasonable and undue burden and expense. Responding Party also objects to this
2 request on the grounds and to the extent that it seeks information that is not in the
3 possession, custody or control of Responding Party and/or is equally or more readily
4 available from another source which is more convenient, less burdensome, or less
5 expensive. Responding Party objects to this request to the extent that it is
6 unreasonably cumulative or duplicative of other requests for production.
7 Responding Party objects to the request to the extent that it purports to require
8 Responding Party to produce documents that contain trade secrets of Responding
9 Party, or other confidential business, financial, proprietary, or sensitive information
10 of Responding Party or third parties without entry of a satisfactory confidentiality
11 order. Responding Party also objects to this request for “All Documents and
12 Communications” on the grounds that it is overbroad and subjects Responding Party
13 to unreasonable and undue annoyance, oppression, burden, and expense.
14 Responding Party objects that this request is vague and ambiguous, including in its
15 use of the phrase “Your actual, planned, or attempted recruitment”. Responding
16 Party further objects to this Request on the grounds that Propounding Party has
17 failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding
18 Party to identify with reasonable particularity the trade secrets it alleges that any
19 defendant misappropriated before commencing discovery, as required by Section H
20 of the Court’s Scheduling Order (Dkt. 95).

21 **REQUEST FOR PRODUCTION NO. 23:**

22 All Documents or Communications concerning or referencing Swan’s Trade
23 Secrets, including Documents and Communications concerning Your actual,
24 considered, or planned use of Swan’s Trade Secrets.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

26 Responding Party incorporates by references the General Objections and
27 Objections to Definitions above as if fully set forth herein. Responding Party objects
28 to this request as premature because the Court lacks personal jurisdiction over

1 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
2 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
3 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
4 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
5 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
6 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
7 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
8 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
9 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
10 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
11 challenging court’s subject matter jurisdiction was within its rights to object);
12 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
13 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
14 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
15 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
16 discovery”). Responding Party objects to this request to the extent that it seeks
17 information that is protected from disclosure by the attorney-client privilege, work
18 product doctrine, or any other applicable privilege or protection. Responding Party
19 also objects to this request’s demand as being compound, overbroad, overly
20 burdensome, and harassing, and as seeking documents that are not relevant to the
21 claims or defenses in this action. Responding Party further objects to this request on
22 the grounds that it is vague, overbroad and subjects Responding Party to
23 unreasonable and undue burden and expense. Responding Party also objects to this
24 request on the grounds and to the extent that it seeks information that is not in the
25 possession, custody or control of Responding Party and/or is equally or more readily
26 available from another source which is more convenient, less burdensome, or less
27 expensive. Responding Party objects to this request to the extent that it is
28 unreasonably cumulative or duplicative of other requests for production.

1 Responding Party objects to the request to the extent that it purports to require
2 Responding Party to produce documents that contain trade secrets of Responding
3 Party, or other confidential business, financial, proprietary, or sensitive information
4 of Responding Party or third parties without entry of a satisfactory confidentiality
5 order. Responding Party also objects to this request for “All Documents and
6 Communications” on the grounds that it is overbroad and subjects Responding Party
7 to unreasonable and undue annoyance, oppression, burden, and expense.
8 Responding Party further objects to this Request on the grounds that Propounding
9 Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires
10 Propounding Party to identify with reasonable particularity the trade secrets it alleges
11 that any defendant misappropriated before commencing discovery, as required by
12 Section H of the Court’s Scheduling Order (Dkt. 95).

13 **REQUEST FOR PRODUCTION NO. 24:**

14 Documents that Your employees, consultants, and other agents downloaded,
15 accessed, copied, were sent, or otherwise retained that relate to any of those persons’
16 engagements with Swan, including but not limited to the files identified in Exhibit G
17 to the Complaint.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

19 Responding Party incorporates by references the General Objections and
20 Objections to Definitions above as if fully set forth herein. Responding Party objects
21 to this request as premature because the Court lacks personal jurisdiction over
22 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
23 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
24 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
25 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
26 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
27 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
28 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,

1 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
2 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
3 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
4 challenging court’s subject matter jurisdiction was within its rights to object);
5 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
6 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
7 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
8 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
9 discovery”). Responding Party objects to this request to the extent that it seeks
10 information that is protected from disclosure by the attorney-client privilege, work
11 product doctrine, or any other applicable privilege or protection. Responding Party
12 objects to this request to the extent that it is unreasonably cumulative or duplicative
13 of other requests for production. Responding Party objects to the request to the
14 extent that it purports to require Responding Party to produce documents that
15 contain trade secrets of Responding Party, or other confidential business, financial,
16 proprietary, or sensitive information of Responding Party or third parties without
17 entry of a satisfactory confidentiality order. Responding Party further objects to this
18 Request on the grounds that Propounding Party has failed to comply with Cal. Civ.
19 Proc. Code § 2019.210, which requires Propounding Party to identify with
20 reasonable particularity the trade secrets it alleges that any defendant
21 misappropriated before commencing discovery, as required by Section H of the
22 Court’s Scheduling Order (Dkt. 95).

23 **REQUEST FOR PRODUCTION NO. 25:**

24 Communications concerning Your employees, consultants, and other agents’
25 downloading, accessing, copying, or otherwise retaining Documents that they had
26 access to as a result of any of those persons’ engagements with Swan, including but
27 not limited to the files identified in Exhibit G to the Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25:

Responding Party incorporates by references the General Objections and Objections to Definitions above as if fully set forth herein. Responding Party objects to this request as premature because the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party is challenging a court’s jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and ordering stay pending court’s ruling on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court’s subject matter jurisdiction was within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party also objects to this request’s demand as being compound, overbroad, overly burdensome, and harassing, and as seeking documents that are not relevant to the claims or defenses in this action. Responding Party further objects to this request on the grounds that it is vague, overbroad and subjects Responding Party to unreasonable and undue burden and expense. Responding Party also objects to this request on the grounds and to the extent that it seeks information that is not in the

1 possession, custody or control of Responding Party and/or is equally or more readily
2 available from another source which is more convenient, less burdensome, or less
3 expensive. Responding Party objects to this request to the extent that it is
4 unreasonably cumulative or duplicative of other requests for production.
5 Responding Party objects to the request to the extent that it purports to require
6 Responding Party to produce documents that contain trade secrets of Responding
7 Party, or other confidential business, financial, proprietary, or sensitive information
8 of Responding Party or third parties without entry of a satisfactory confidentiality
9 order. Responding Party further objects to this Request on the grounds that
10 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
11 which requires Propounding Party to identify with reasonable particularity the trade
12 secrets it alleges that any defendant misappropriated before commencing discovery,
13 as required by Section H of the Court's Scheduling Order (Dkt. 95).

14 **REQUEST FOR PRODUCTION NO. 26:**

15 All Documents and Communications concerning any Proton employee,
16 consultant, or other agent's obligations or potential obligations to Swan, including
17 but not limited to those arising from such persons' employment or consulting
18 agreements with Swan.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

20 Responding Party incorporates by references the General Objections and
21 Objections to Definitions above as if fully set forth herein. Responding Party objects
22 to this request as premature because the Court lacks personal jurisdiction over
23 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
24 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
25 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
26 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
27 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
28 ordering stay pending court's ruling on Rule 12 motion for lack of personal

jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court's subject matter jurisdiction was within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of discovery"). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party also objects to this request's demand as being compound, overbroad, overly burdensome, and harassing, and as seeking documents that are not relevant to the claims or defenses in this action. Responding Party further objects to this request on the grounds that it is vague, overbroad and subjects Responding Party to unreasonable and undue burden and expense. Responding Party also objects to this request on the grounds and to the extent that it seeks information that is not in the possession, custody or control of Responding Party and/or is equally or more readily available from another source which is more convenient, less burdensome, or less expensive. Responding Party objects to this request to the extent that it is unreasonably cumulative or duplicative of other requests for production. Responding Party objects to the request to the extent that it purports to require Responding Party to produce documents that contain trade secrets of Responding Party, or other confidential Responding Party incorporates by references the General Objections and Objections to Definitions above as if fully set forth herein.

REQUEST FOR PRODUCTION NO. 27:

Documents and Communications sufficient to show any former or current

1 Swan employee or consultant's job offer from Proton or Elektron (or an offer from a
2 company that became Proton or Elektron), including all forms of compensation and
3 benefits or promises thereof.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

5 Responding Party incorporates by references the General Objections and
6 Objections to Definitions above as if fully set forth herein. Responding Party objects
7 to this request as premature because the Court lacks personal jurisdiction over
8 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
9 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
10 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
11 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
12 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
13 ordering stay pending court's ruling on Rule 12 motion for lack of personal
14 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
15 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
16 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
17 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
18 challenging court's subject matter jurisdiction was within its rights to object);
19 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
20 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
21 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
22 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
23 discovery"). Responding Party objects to this request to the extent that it seeks
24 information that is protected from disclosure by the attorney-client privilege, work
25 product doctrine, or any other applicable privilege or protection. Responding Party
26 also objects to this request's demand as being compound, overbroad, overly
27 burdensome, and harassing, and as seeking documents that are not relevant to the
28 claims or defenses in this action. Responding Party further objects to this request on

1 the grounds that it is vague, overbroad and subjects Responding Party to
2 unreasonable and undue burden and expense. Responding Party also objects to this
3 request on the grounds and to the extent that it seeks information that is not in the
4 possession, custody or control of Responding Party and/or is equally or more readily
5 available from another source which is more convenient, less burdensome, or less
6 expensive. Responding Party objects to this request to the extent that it is
7 unreasonably cumulative or duplicative of other requests for production.
8 Responding Party objects to the term “Elektron” as overly broad, unduly
9 burdensome, vague, ambiguous and unintelligible. Responding Party objects to the
10 request to the extent that it purports to require Responding Party to produce
11 documents that contain trade secrets of Responding Party, or other confidential
12 business, financial, proprietary, or sensitive information of Responding Party or
13 third parties without entry of a satisfactory confidentiality order. Responding Party
14 further objects to this Request on the grounds that Propounding Party has failed to
15 comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to
16 identify with reasonable particularity the trade secrets it alleges that any defendant
17 misappropriated before commencing discovery, as required by Section H of the
18 Court’s Scheduling Order (Dkt. 95).

19 **REQUEST FOR PRODUCTION NO. 28:**

20 All Documents and Communications concerning any former or current Swan
21 employee, consultant, or agent’s development of Swan’s Trade Secrets.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

23 Responding Party incorporates by references the General Objections and
24 Objections to Definitions above as if fully set forth herein. Responding Party objects
25 to this request as premature because the Court lacks personal jurisdiction over
26 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
27 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
28 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,

1 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
2 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
3 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
4 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
5 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
6 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
7 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
8 challenging court’s subject matter jurisdiction was within its rights to object);
9 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
10 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
11 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
12 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
13 discovery”). Responding Party objects to this request to the extent that it seeks
14 information that is protected from disclosure by the attorney-client privilege, work
15 product doctrine, or any other applicable privilege or protection. Responding Party
16 also objects to this request’s demand as being compound, overbroad, overly
17 burdensome, and harassing, and as seeking documents that are not relevant to the
18 claims or defenses in this action. Responding Party further objects to this request on
19 the grounds that it is vague, overbroad and subjects Responding Party to
20 unreasonable and undue burden and expense. Responding Party also objects to this
21 request on the grounds and to the extent that it seeks information that is not in the
22 possession, custody or control of Responding Party and/or is equally or more readily
23 available from another source which is more convenient, less burdensome, or less
24 expensive. Responding Party objects to this request to the extent that it is
25 unreasonably cumulative or duplicative of other requests for production.
26 Responding Party objects to the request to the extent that it purports to require
27 Responding Party to produce documents that contain trade secrets of Responding
28 Party, or other confidential business, financial, proprietary, or sensitive information

1 of Responding Party or third parties without entry of a satisfactory confidentiality
2 order. Responding Party also objects to this request for “All Documents and
3 Communications” on the grounds that it is overbroad and subjects Responding Party
4 to unreasonable and undue annoyance, oppression, burden, and expense.
5 Responding Party further objects to this Request on the grounds that Propounding
6 Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires
7 Propounding Party to identify with reasonable particularity the trade secrets it alleges
8 that any defendant misappropriated before commencing discovery, as required by
9 Section H of the Court’s Scheduling Order (Dkt. 95).

10 **REQUEST FOR PRODUCTION NO. 29:**

11 All Documents and Communications concerning Your business plans,
12 strategic plans, operating plans, marketing plans, financial plans, sales plans,
13 investment plans, market studies, and target market, including projections for
14 revenue generation and profitability, related to Bitcoin mining management and
15 operation.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

17 Responding Party incorporates by references the General Objections and
18 Objections to Definitions above as if fully set forth herein. Responding Party objects
19 to this request as premature because the Court lacks personal jurisdiction over
20 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
21 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
22 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
23 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
24 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
25 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
26 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
27 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
28 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2

(N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court’s subject matter jurisdiction was within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party also objects to this request’s demand as being compound, overbroad, overly burdensome, and harassing, and as seeking documents that are not relevant to the claims or defenses in this action. Responding Party further objects to this request on the grounds that it is vague, overbroad and subjects Responding Party to unreasonable and undue burden and expense. Responding Party also objects to this request on the grounds and to the extent that it seeks information that is not in the possession, custody or control of Responding Party and/or is equally or more readily available from another source which is more convenient, less burdensome, or less expensive. Responding Party objects to this request to the extent that it is unreasonably cumulative or duplicative of other requests for production. Responding Party objects to the request to the extent that it purports to require Responding Party to produce documents that contain trade secrets of Responding Party, or other confidential business, financial, proprietary, or sensitive information of Responding Party or third parties without entry of a satisfactory confidentiality order. Responding Party also objects to this request for “All Documents and Communications” on the grounds that it is overbroad and subjects Responding Party to unreasonable and undue annoyance, oppression, burden, and expense. Responding Party further objects to this Request on the grounds that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires

1 Propounding Party to identify with reasonable particularity the trade secrets it alleges
2 that any defendant misappropriated before commencing discovery, as required by
3 Section H of the Court's Scheduling Order (Dkt. 95).

4 **REQUEST FOR PRODUCTION NO. 30:**

5 Documents and Communications sufficient to show Your total financial
6 investment, including but not limited to employee time, purchase of capital
7 equipment, and outside consultants, by quarter, into Your efforts to develop
8 proprietary methodologies for Bitcoin mining operations including, but not limited
9 to, the development of any dashboard or monitoring system related to Bitcoin
10 mining operations.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

12 Responding Party incorporates by references the General Objections and
13 Objections to Definitions above as if fully set forth herein. Responding Party objects
14 to this request as premature because the Court lacks personal jurisdiction over
15 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
16 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
17 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
18 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
19 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
20 ordering stay pending court's ruling on Rule 12 motion for lack of personal
21 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
22 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
23 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
24 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
25 challenging court's subject matter jurisdiction was within its rights to object);
26 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
27 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
28 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087

(D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party objects to this request to the extent that it is unreasonably cumulative or duplicative of other requests for production. Responding Party objects to the request to the extent that it purports to require Responding Party to produce documents that contain trade secrets of Responding Party, or other confidential business, financial, proprietary, or sensitive information of Responding Party or third parties without entry of a satisfactory confidentiality order. Responding Party further objects to this Request on the grounds that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with reasonable particularity the trade secrets it alleges that any defendant misappropriated before commencing discovery, as required by Section H of the Court’s Scheduling Order (Dkt. 95).

REQUEST FOR PRODUCTION NO. 31:

All Documents and Communications concerning Your actual, planned, or attempted development or use of any dashboard or monitoring system related to Bitcoin mining operations, including but not limited to any dashboard or monitoring system similar to Swan’s BNOC or intended to serve as a replacement to Swan’s BNOC.

RESPONSE TO REQUEST FOR PRODUCTION NO. 31:

Responding Party incorporates by references the General Objections and Objections to Definitions above as if fully set forth herein. Responding Party objects to this request as premature because the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,

1 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
2 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
3 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
4 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
5 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
6 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
7 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
8 challenging court’s subject matter jurisdiction was within its rights to object);
9 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
10 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
11 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
12 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
13 discovery”). Responding Party objects to this request to the extent that it seeks
14 information that is protected from disclosure by the attorney-client privilege, work
15 product doctrine, or any other applicable privilege or protection. Responding Party
16 also objects to this request’s demand as being compound, overbroad, overly
17 burdensome, and harassing, and as seeking documents that are not relevant to the
18 claims or defenses in this action. Responding Party further objects to this request on
19 the grounds that it is vague, overbroad and subjects Responding Party to
20 unreasonable and undue burden and expense. Responding Party also objects to this
21 request on the grounds and to the extent that it seeks information that is not in the
22 possession, custody or control of Responding Party and/or is equally or more readily
23 available from another source which is more convenient, less burdensome, or less
24 expensive. Responding Party objects to this request to the extent that it is
25 unreasonably cumulative or duplicative of other requests for production.
26 Responding Party objects to the request to the extent that it purports to require
27 Responding Party to produce documents that contain trade secrets of Responding
28 Party, or other confidential business, financial, proprietary, or sensitive information

1 of Responding Party or third parties without entry of a satisfactory confidentiality
2 order. Responding Party also objects to this request for “All Documents and
3 Communications” on the grounds that it is overbroad and subjects Responding Party
4 to unreasonable and undue annoyance, oppression, burden, and expense Responding
5 Party objects that this request is vague and ambiguous, including in its use of the
6 phrase “any dashboard or monitoring system similar to Swan’s BNOC or intended
7 to serve as a replacement to Swan’s BNOC”. Responding Party further objects to
8 this Request on the grounds that Propounding Party has failed to comply with Cal.
9 Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with
10 reasonable particularity the trade secrets it alleges that any defendant
11 misappropriated before commencing discovery, as required by Section H of the
12 Court’s Scheduling Order (Dkt. 95).

13 **REQUEST FOR PRODUCTION NO. 32:**

14 All Documents and Communications concerning any comparison between
15 any dashboard or monitoring system related to Bitcoin mining operations that You
16 use to Swan’s BNOC.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

18 Responding Party incorporates by references the General Objections and
19 Objections to Definitions above as if fully set forth herein. Responding Party objects
20 to this request as premature because the Court lacks personal jurisdiction over
21 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
22 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
23 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
24 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
25 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
26 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
27 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
28 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*

1 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
3 challenging court’s subject matter jurisdiction was within its rights to object);
4 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
5 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
6 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
7 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
8 discovery”). Responding Party objects to this request to the extent that it seeks
9 information that is protected from disclosure by the attorney-client privilege, work
10 product doctrine, or any other applicable privilege or protection. Responding Party
11 also objects to this request’s demand as being compound, overbroad, overly
12 burdensome, and harassing, and as seeking documents that are not relevant to the
13 claims or defenses in this action. Responding Party further objects to this request on
14 the grounds that it is vague, overbroad and subjects Responding Party to
15 unreasonable and undue burden and expense. Responding Party also objects to this
16 request on the grounds and to the extent that it seeks information that is not in the
17 possession, custody or control of Responding Party and/or is equally or more readily
18 available from another source which is more convenient, less burdensome, or less
19 expensive. Responding Party objects to this request to the extent that it is
20 unreasonably cumulative or duplicative of other requests for production.
21 Responding Party objects to the request to the extent that it purports to require
22 Responding Party to produce documents that contain trade secrets of Responding
23 Party, or other confidential business, financial, proprietary, or sensitive information
24 of Responding Party or third parties without entry of a satisfactory confidentiality
25 order. Responding Party also objects to this request for “All Documents and
26 Communications” on the grounds that it is overbroad and subjects Responding Party
27 to unreasonable and undue annoyance, oppression, burden, and expense.
28 Responding Party further objects to this Request on the grounds that Propounding

1 Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires
2 Propounding Party to identify with reasonable particularity the trade secrets it alleges
3 that any defendant misappropriated before commencing discovery, as required by
4 Section H of the Court's Scheduling Order (Dkt. 95).

5 **REQUEST FOR PRODUCTION NO. 33:**

6 All Documents and Communications concerning any comparison between
7 Swan's Trade Secrets and any techniques, methods, or tools You use to manage,
8 operate, or otherwise engage in Bitcoin mining activities.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

10 Responding Party incorporates by references the General Objections and
11 Objections to Definitions above as if fully set forth herein. Responding Party objects
12 to this request as premature because the Court lacks personal jurisdiction over
13 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
14 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
15 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
16 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
17 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
18 ordering stay pending court's ruling on Rule 12 motion for lack of personal
19 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
20 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
21 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
22 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
23 challenging court's subject matter jurisdiction was within its rights to object);
24 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
25 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
26 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
27 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
28 discovery"). Responding Party objects to this request to the extent that it seeks

1 information that is protected from disclosure by the attorney-client privilege, work
2 product doctrine, or any other applicable privilege or protection. Responding Party
3 also objects to this request's demand as being compound, overbroad, overly
4 burdensome, and harassing, and as seeking documents that are not relevant to the
5 claims or defenses in this action. Responding Party further objects to this request on
6 the grounds that it is vague, overbroad and subjects Responding Party to
7 unreasonable and undue burden and expense. Responding Party also objects to this
8 request on the grounds and to the extent that it seeks information that is not in the
9 possession, custody or control of Responding Party and/or is equally or more readily
10 available from another source which is more convenient, less burdensome, or less
11 expensive. Responding Party objects to this request to the extent that it is
12 unreasonably cumulative or duplicative of other requests for production.
13 Responding Party objects to the request to the extent that it purports to require
14 Responding Party to produce documents that contain trade secrets of Responding
15 Party, or other confidential business, financial, proprietary, or sensitive information
16 of Responding Party or third parties without entry of a satisfactory confidentiality
17 order. Responding Party also objects to this request for "All Documents and
18 Communications" on the grounds that it is overbroad and subjects Responding Party
19 to unreasonable and undue annoyance, oppression, burden, and expense.
20 Responding Party objects that this request is vague and ambiguous, including in its
21 use of the phrases "any techniques, methods, or tools You use to manage, operate, or
22 otherwise engage in Bitcoin mining activities". Responding Party further objects to
23 this Request on the grounds that Propounding Party has failed to comply with Cal.
24 Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with
25 reasonable particularity the trade secrets it alleges that any defendant
26 misappropriated before commencing discovery, as required by Section H of the
27 Court's Scheduling Order (Dkt. 95).

28

1 **REQUEST FOR PRODUCTION NO. 34:**

2 Documents and Communications concerning Your efforts to keep the
3 techniques, methods, or tools You use to manage, operate, or otherwise engage in
4 Bitcoin mining activities secret or confidential.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

6 Responding Party incorporates by references the General Objections and
7 Objections to Definitions above as if fully set forth herein. Responding Party objects
8 to this request as premature because the Court lacks personal jurisdiction over
9 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
10 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
11 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
12 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
13 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
14 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
15 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
16 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
17 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
18 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
19 challenging court’s subject matter jurisdiction was within its rights to object);
20 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
21 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
22 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
23 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
24 discovery”). Responding Party objects to this request to the extent that it seeks
25 information that is protected from disclosure by the attorney-client privilege, work
26 product doctrine, or any other applicable privilege or protection. Responding Party
27 also objects to this request’s demand as being compound, overbroad, overly
28 burdensome, and harassing, and as seeking documents that are not relevant to the

1 claims or defenses in this action. Responding Party further objects to this request on
2 the grounds that it is vague, overbroad and subjects Responding Party to
3 unreasonable and undue burden and expense. Responding Party also objects to this
4 request on the grounds and to the extent that it seeks information that is not in the
5 possession, custody or control of Responding Party and/or is equally or more readily
6 available from another source which is more convenient, less burdensome, or less
7 expensive. Responding Party objects to this request to the extent that it is
8 unreasonably cumulative or duplicative of other requests for production.
9 Responding Party objects to the request to the extent that it purports to require
10 Responding Party to produce documents that contain trade secrets of Responding
11 Party, or other confidential business, financial, proprietary, or sensitive information
12 of Responding Party or third parties without entry of a satisfactory confidentiality
13 order. Responding Party objects that this request is vague and ambiguous, including
14 in its use of the phrases “techniques, methods, or tools You use to manage, operate,
15 or otherwise engage in Bitcoin mining activities”. Responding Party further objects
16 to this Request on the grounds that Propounding Party has failed to comply with
17 Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with
18 reasonable particularity the trade secrets it alleges that any defendant
19 misappropriated before commencing discovery, as required by Section H of the
20 Court’s Scheduling Order (Dkt. 95).

21 **REQUEST FOR PRODUCTION NO. 35:**

22 Documents and Communications concerning any actual or considered
23 indemnification of You and/or Your employees, consultants, or other agents
24 concerning activities related to Bitcoin mining, including but not limited to (i) any
25 agreements under which any third party has agreed to indemnify You and/or Your
26 employees, consultants, and other agents; and (ii) any agreements under which You
27 have agreed to indemnify Your employees, consultants, and other agents.
28

RESPONSE TO REQUEST FOR PRODUCTION NO. 35:

Responding Party incorporates by references the General Objections and Objections to Definitions above as if fully set forth herein. Responding Party objects to this request as premature because the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party is challenging a court’s jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and ordering stay pending court’s ruling on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court’s subject matter jurisdiction was within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party also objects to this request’s demand as being compound, overbroad, overly burdensome, and harassing, and as seeking documents that are not relevant to the claims or defenses in this action. Responding Party further objects to this request on the grounds that it is vague, overbroad and subjects Responding Party to unreasonable and undue burden and expense. Responding Party also objects to this request on the grounds and to the extent that it seeks information that is not in the

1 possession, custody or control of Responding Party and/or is equally or more readily
2 available from another source which is more convenient, less burdensome, or less
3 expensive. Responding Party objects to this request to the extent that it is
4 unreasonably cumulative or duplicative of other requests for production.
5 Responding Party objects to the request to the extent that it purports to require
6 Responding Party to produce documents that contain trade secrets of Responding
7 Party, or other confidential business, financial, proprietary, or sensitive information
8 of Responding Party or third parties without entry of a satisfactory confidentiality
9 order. Responding Party further objects to this Request on the grounds that
10 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
11 which requires Propounding Party to identify with reasonable particularity the trade
12 secrets it alleges that any defendant misappropriated before commencing discovery,
13 as required by Section H of the Court's Scheduling Order (Dkt. 95).

14 **REQUEST FOR PRODUCTION NO. 36:**

15 Documents sufficient to identify all persons who own any interest in You,
16 including Documents sufficient to identify when those persons acquired that interest
17 and the size and nature of that interest.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

19 Responding Party incorporates by references the General Objections and
20 Objections to Definitions above as if fully set forth herein. Responding Party objects
21 to this request as premature because the Court lacks personal jurisdiction over
22 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
23 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
24 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
25 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
26 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
27 ordering stay pending court's ruling on Rule 12 motion for lack of personal
28 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,

1 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
2 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
3 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
4 challenging court’s subject matter jurisdiction was within its rights to object);
5 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
6 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
7 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
8 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
9 discovery”). Responding Party objects to this request to the extent that it seeks
10 information that is protected from disclosure by the attorney-client privilege, work
11 product doctrine, or any other applicable privilege or protection. Responding Party
12 objects to this request to the extent that it is unreasonably cumulative or duplicative
13 of other requests for production. Responding Party objects to the request to the
14 extent that it purports to require Responding Party to produce documents that
15 contain trade secrets of Responding Party, or other confidential business, financial,
16 proprietary, or sensitive information of Responding Party or third parties without
17 entry of a satisfactory confidentiality order. Responding Party objects that this
18 request is vague and ambiguous, including in its use of the phrase “any interest in
19 You”. Responding Party further objects to this Request on the grounds that
20 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
21 which requires Propounding Party to identify with reasonable particularity the trade
22 secrets it alleges that any defendant misappropriated before commencing discovery,
23 as required by Section H of the Court’s Scheduling Order (Dkt. 95).

24 **REQUEST FOR PRODUCTION NO. 37:**

25 Documents sufficient to identify all persons in whom you own any interest,
26 including Documents sufficient to identify when You acquired that interest and the
27 size and nature of that interest.

RESPONSE TO REQUEST FOR PRODUCTION NO. 37:

Responding Party incorporates by references the General Objections and Objections to Definitions above as if fully set forth herein. Responding Party objects to this request as premature because the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party is challenging a court’s jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and ordering stay pending court’s ruling on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court’s subject matter jurisdiction was within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party objects to this request to the extent that it is unreasonably cumulative or duplicative of other requests for production. Responding Party objects to the request to the extent that it purports to require Responding Party to produce documents that contain trade secrets of Responding Party, or other confidential business, financial, proprietary, or sensitive information of Responding Party or third parties without entry of a satisfactory confidentiality order. Responding Party objects that this

1 request is vague and ambiguous, including in its use of the phrases “in whom you
2 own any interest”. Responding Party further objects to this Request on the grounds
3 that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
4 which requires Propounding Party to identify with reasonable particularity the trade
5 secrets it alleges that any defendant misappropriated before commencing discovery,
6 as required by Section H of the Court’s Scheduling Order (Dkt. 95).

7 **REQUEST FOR PRODUCTION NO. 38:**

8 Documents and Communications concerning any actual, planned, or
9 attempted investment in You by any person, including but not limited to
10 Communications You sent to any actual or potential investors.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

12 Responding Party incorporates by references the General Objections and
13 Objections to Definitions above as if fully set forth herein. Responding Party objects
14 to this request as premature because the Court lacks personal jurisdiction over
15 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
16 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
17 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
18 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
19 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
20 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
21 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
22 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
23 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
24 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
25 challenging court’s subject matter jurisdiction was within its rights to object);
26 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
27 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
28 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087

(D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party also objects to this request’s demand as being compound, overbroad, overly burdensome, and harassing, and as seeking documents that are not relevant to the claims or defenses in this action. Responding Party further objects to this request on the grounds that it is vague, overbroad and subjects Responding Party to unreasonable and undue burden and expense. Responding Party also objects to this request on the grounds and to the extent that it seeks information that is not in the possession, custody or control of Responding Party and/or is equally or more readily available from another source which is more convenient, less burdensome, or less expensive. Responding Party objects to this request to the extent that it is unreasonably cumulative or duplicative of other requests for production. Responding Party objects to the request to the extent that it purports to require Responding Party to produce documents that contain trade secrets of Responding Party, or other confidential business, financial, proprietary, or sensitive information of Responding Party or third parties without entry of a satisfactory confidentiality order. Responding Party further objects to this Request on the grounds that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with reasonable particularity the trade secrets it alleges that any defendant misappropriated before commencing discovery, as required by Section H of the Court’s Scheduling Order (Dkt. 95).

REQUEST FOR PRODUCTION NO. 39:

Documents and Communications concerning any valuation of Your business, including but not limited to any valuations of any subparts of that business, such as services You provide related to Bitcoin mining.

RESPONSE TO REQUEST FOR PRODUCTION NO. 39:

Responding Party incorporates by references the General Objections and Objections to Definitions above as if fully set forth herein. Responding Party objects to this request as premature because the Court lacks personal jurisdiction over Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper and should be stayed where a party is challenging a court’s jurisdiction. See, e.g., *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and ordering stay pending court’s ruling on Rule 12 motion for lack of personal jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY, 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter & Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court’s subject matter jurisdiction was within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party also objects to this request’s demand as being compound, overbroad, overly burdensome, and harassing, and as seeking documents that are not relevant to the claims or defenses in this action. Responding Party further objects to this request on the grounds that it is vague, overbroad and subjects Responding Party to unreasonable and undue burden and expense. Responding Party also objects to this request on the grounds and to the extent that it seeks information that is not in the

1 possession, custody or control of Responding Party and/or is equally or more readily
2 available from another source which is more convenient, less burdensome, or less
3 expensive. Responding Party objects to this request to the extent that it is
4 unreasonably cumulative or duplicative of other requests for production.
5 Responding Party objects to the request to the extent that it purports to require
6 Responding Party to produce documents that contain trade secrets of Responding
7 Party, or other confidential business, financial, proprietary, or sensitive information
8 of Responding Party or third parties without entry of a satisfactory confidentiality
9 order. Responding Party further objects to this Request on the grounds that
10 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
11 which requires Propounding Party to identify with reasonable particularity the trade
12 secrets it alleges that any defendant misappropriated before commencing discovery,
13 as required by Section H of the Court's Scheduling Order (Dkt. 95).

14 **REQUEST FOR PRODUCTION NO. 40:**

15 Financial statements, including but not limited to income statements, balance
16 sheets, cash flow statements, statement of shareholders' equity, and other financial
17 and/or accounting statements showing income and/or expenses, assets and liabilities,
18 equity, cash flows, and capital accounts of any type related to services you provide
19 related to Bitcoin mining.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 40:**

21 Responding Party incorporates by references the General Objections and
22 Objections to Definitions above as if fully set forth herein. Responding Party objects
23 to this request as premature because the Court lacks personal jurisdiction over
24 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
25 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
26 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
27 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
28 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and

1 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
2 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
3 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
4 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
5 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
6 challenging court’s subject matter jurisdiction was within its rights to object);
7 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
8 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
9 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
10 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
11 discovery”). Responding Party objects to this request to the extent that it seeks
12 information that is protected from disclosure by the attorney-client privilege, work
13 product doctrine, or any other applicable privilege or protection. Responding Party
14 objects to this request to the extent that it is unreasonably cumulative or duplicative
15 of other requests for production. Responding Party objects to the request to the
16 extent that it purports to require Responding Party to produce documents that
17 contain trade secrets of Responding Party, or other confidential business, financial,
18 proprietary, or sensitive information of Responding Party or third parties without
19 entry of a satisfactory confidentiality order. Responding Party further objects to this
20 Request on the grounds that Propounding Party has failed to comply with Cal. Civ.
21 Proc. Code § 2019.210, which requires Propounding Party to identify with
22 reasonable particularity the trade secrets it alleges that any defendant
23 misappropriated before commencing discovery, as required by Section H of the
24 Court’s Scheduling Order (Dkt. 95).

25 **REQUEST FOR PRODUCTION NO. 41:**

26 All Communications between You and persons associated with the Mining
27 Sites You manage, operate, or otherwise engage with related to Bitcoin mining
28 activities, including but not limited to all Communications exchanged via Signal,

1 Telegram, and WhatsApp.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 41:**

3 Responding Party incorporates by references the General Objections and
4 Objections to Definitions above as if fully set forth herein. Responding Party objects
5 to this request as premature because the Court lacks personal jurisdiction over
6 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
7 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
8 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
9 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
10 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
11 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
12 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
13 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
14 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
15 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
16 challenging court’s subject matter jurisdiction was within its rights to object);
17 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
18 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
19 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
20 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
21 discovery”). Responding Party objects to this request to the extent that it seeks
22 information that is protected from disclosure by the attorney-client privilege, work
23 product doctrine, or any other applicable privilege or protection. Responding Party
24 also objects to this request’s demand as being compound, overbroad, overly
25 burdensome, and harassing, and as seeking documents that are not relevant to the
26 claims or defenses in this action. Responding Party further objects to this request on
27 the grounds that it is vague, overbroad and subjects Responding Party to
28 unreasonable and undue burden and expense. Responding Party also objects to this

1 request on the grounds and to the extent that it seeks information that is not in the
2 possession, custody or control of Responding Party and/or is equally or more readily
3 available from another source which is more convenient, less burdensome, or less
4 expensive. Responding Party objects to this request to the extent that it is
5 unreasonably cumulative or duplicative of other requests for production.

6 Responding Party objects to the request to the extent that it purports to require
7 Responding Party to produce documents that contain trade secrets of Responding
8 Party, or other confidential business, financial, proprietary, or sensitive information
9 of Responding Party or third parties without entry of a satisfactory confidentiality
10 order. Responding Party also objects to this request for “All Communications” on
11 the grounds that it is overbroad and subjects Responding Party to unreasonable and
12 undue annoyance, oppression, burden, and expense. Responding Party further
13 objects to this Request on the grounds that Propounding Party has failed to comply
14 with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify
15 with reasonable particularity the trade secrets it alleges that any defendant
16 misappropriated before commencing discovery, as required by Section H of the
17 Court’s Scheduling Order (Dkt. 95).

18 **REQUEST FOR PRODUCTION NO. 42:**

19 Communications concerning Your actual, planned, inadvertent, or attempted
20 efforts to delete, conceal, or spoliage evidence related to the subject matter of this
21 Action

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 42:**

23 Responding Party incorporates by references the General Objections and
24 Objections to Definitions above as if fully set forth herein. Responding Party objects
25 to this request as premature because the Court lacks personal jurisdiction over
26 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
27 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
28 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,

1 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
2 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
3 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
4 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
5 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
6 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
7 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
8 challenging court’s subject matter jurisdiction was within its rights to object);
9 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
10 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
11 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
12 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
13 discovery”). Responding Party objects to this request to the extent that it seeks
14 information that is protected from disclosure by the attorney-client privilege, work
15 product doctrine, or any other applicable privilege or protection. Responding Party
16 also objects to this request’s demand as being compound, overbroad, overly
17 burdensome, and harassing, and as seeking documents that are not relevant to the
18 claims or defenses in this action. Responding Party further objects to this request on
19 the grounds that it is vague, overbroad and subjects Responding Party to
20 unreasonable and undue burden and expense. Responding Party also objects to this
21 request on the grounds and to the extent that it seeks information that is not in the
22 possession, custody or control of Responding Party and/or is equally or more readily
23 available from another source which is more convenient, less burdensome, or less
24 expensive. Responding Party objects to this request to the extent that it is
25 unreasonably cumulative or duplicative of other requests for production.
26 Responding Party objects to the request to the extent that it purports to require
27 Responding Party to produce documents that contain trade secrets of Responding
28 Party, or other confidential business, financial, proprietary, or sensitive information

1 of Responding Party or third parties without entry of a satisfactory confidentiality
2 order. Responding Party further objects to this Request on the grounds that
3 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
4 which requires Propounding Party to identify with reasonable particularity the trade
5 secrets it alleges that any defendant misappropriated before commencing discovery,
6 as required by Section H of the Court's Scheduling Order (Dkt. 95).

7 **REQUEST FOR PRODUCTION NO. 43:**

8 Communications concerning the use of ephemeral messaging applications
9 (such as Signal, Telegram, or WhatsApp) for You and/or Your employees,
10 consultants, and other agents' communications, including but not limited to
11 Communications concerning switching from non-ephemeral messaging applications
12 to ephemeral ones.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 43:**

14 Responding Party incorporates by references the General Objections and
15 Objections to Definitions above as if fully set forth herein. Responding Party objects
16 to this request as premature because the Court lacks personal jurisdiction over
17 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
18 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
19 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
20 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
21 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
22 ordering stay pending court's ruling on Rule 12 motion for lack of personal
23 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
24 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
25 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
26 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
27 challenging court's subject matter jurisdiction was within its rights to object);
28 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,

1 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
2 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
3 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
4 discovery”). Responding Party objects to this request to the extent that it seeks
5 information that is protected from disclosure by the attorney-client privilege, work
6 product doctrine, or any other applicable privilege or protection. Responding Party
7 also objects to this request’s demand as being compound, overbroad, overly
8 burdensome, and harassing, and as seeking documents that are not relevant to the
9 claims or defenses in this action. Responding Party further objects to this request on
10 the grounds that it is vague, overbroad and subjects Responding Party to
11 unreasonable and undue burden and expense. Responding Party also objects to this
12 request on the grounds and to the extent that it seeks information that is not in the
13 possession, custody or control of Responding Party and/or is equally or more readily
14 available from another source which is more convenient, less burdensome, or less
15 expensive. Responding Party objects to this request to the extent that it is
16 unreasonably cumulative or duplicative of other requests for production.
17 Responding Party objects to the request to the extent that it purports to require
18 Responding Party to produce documents that contain trade secrets of Responding
19 Party, or other confidential business, financial, proprietary, or sensitive information
20 of Responding Party or third parties without entry of a satisfactory confidentiality
21 order. Responding Party objects that this request is vague and ambiguous, including
22 in its use of the phrase “ephemeral messaging applications”. Responding Party
23 further objects to this Request on the grounds that Propounding Party has failed to
24 comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to
25 identify with reasonable particularity the trade secrets it alleges that any defendant
26 misappropriated before commencing discovery, as required by Section H of the
27 Court’s Scheduling Order (Dkt. 95).

28

1 **REQUEST FOR PRODUCTION NO. 44:**

2 Documents and Communications concerning Your involvement in the actual,
3 planned, or attempted sale of ASICs or other hardware or infrastructure related to
4 Bitcoin mining, including your valuation of any ASICs for the purpose of a sale or
5 attempted or planned sale.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 44:**

7 Responding Party incorporates by references the General Objections and
8 Objections to Definitions above as if fully set forth herein. Responding Party objects
9 to this request as premature because the Court lacks personal jurisdiction over
10 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
11 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
12 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
13 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
14 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
15 ordering stay pending court's ruling on Rule 12 motion for lack of personal
16 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
17 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
18 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
19 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
20 challenging court's subject matter jurisdiction was within its rights to object);
21 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
22 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
23 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
24 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
25 discovery"). Responding Party objects to this request to the extent that it seeks
26 information that is protected from disclosure by the attorney-client privilege, work
27 product doctrine, or any other applicable privilege or protection. Responding Party
28 also objects to this request's demand as being compound, overbroad, overly

1 burdensome, and harassing, and as seeking documents that are not relevant to the
2 claims or defenses in this action. Responding Party further objects to this request on
3 the grounds that it is vague, overbroad and subjects Responding Party to
4 unreasonable and undue burden and expense. Responding Party also objects to this
5 request on the grounds and to the extent that it seeks information that is not in the
6 possession, custody or control of Responding Party and/or is equally or more readily
7 available from another source which is more convenient, less burdensome, or less
8 expensive. Responding Party objects to this request to the extent that it is
9 unreasonably cumulative or duplicative of other requests for production.

10 Responding Party objects to the request to the extent that it purports to require
11 Responding Party to produce documents that contain trade secrets of Responding
12 Party, or other confidential business, financial, proprietary, or sensitive information
13 of Responding Party or third parties without entry of a satisfactory confidentiality
14 order. Responding Party further objects to this Request on the grounds that
15 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
16 which requires Propounding Party to identify with reasonable particularity the trade
17 secrets it alleges that any defendant misappropriated before commencing discovery,
18 as required by Section H of the Court's Scheduling Order (Dkt. 95).

19 **REQUEST FOR PRODUCTION NO. 45:**

20 Documents and Communications concerning Your or Your employees,
21 consultants, and other agents' concealment of assets, transfer of assets to third
22 parties, or attempts to limit Swan's ability to recover assets in connection with this
23 Action.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 45:**

25 Responding Party incorporates by references the General Objections and
26 Objections to Definitions above as if fully set forth herein. Responding Party objects
27 to this request as premature because the Court lacks personal jurisdiction over
28 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under

1 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
2 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
3 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
4 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
5 ordering stay pending court's ruling on Rule 12 motion for lack of personal
6 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
7 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
8 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
9 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
10 challenging court's subject matter jurisdiction was within its rights to object);
11 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
12 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
13 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
14 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
15 discovery"). Responding Party objects to this request to the extent that it seeks
16 information that is protected from disclosure by the attorney-client privilege, work
17 product doctrine, or any other applicable privilege or protection. Responding Party
18 also objects to this request's demand as being compound, overbroad, overly
19 burdensome, and harassing, and as seeking documents that are not relevant to the
20 claims or defenses in this action. Responding Party further objects to this request on
21 the grounds that it is vague, overbroad and subjects Responding Party to
22 unreasonable and undue burden and expense. Responding Party also objects to this
23 request on the grounds and to the extent that it seeks information that is not in the
24 possession, custody or control of Responding Party and/or is equally or more readily
25 available from another source which is more convenient, less burdensome, or less
26 expensive. Responding Party objects to this request to the extent that it is
27 unreasonably cumulative or duplicative of other requests for production.
28 Responding Party objects to the request to the extent that it purports to require

1 Responding Party to produce documents that contain trade secrets of Responding
2 Party, or other confidential business, financial, proprietary, or sensitive information
3 of Responding Party or third parties without entry of a satisfactory confidentiality
4 order. Responding Party further objects to this Request on the grounds that
5 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
6 which requires Propounding Party to identify with reasonable particularity the trade
7 secrets it alleges that any defendant misappropriated before commencing discovery,
8 as required by Section H of the Court's Scheduling Order (Dkt. 95).

9 **REQUEST FOR PRODUCTION NO. 46:**

10 Documents sufficient to identify the amount and location of Your assets,
11 including but not limited to identifying all Bitcoin owned or controlled by You
12 and/or Your employees, consultants, and other agents.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 46:**

14 Responding Party incorporates by references the General Objections and
15 Objections to Definitions above as if fully set forth herein. Responding Party objects
16 to this request as premature because the Court lacks personal jurisdiction over
17 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
18 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
19 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
20 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
21 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
22 ordering stay pending court's ruling on Rule 12 motion for lack of personal
23 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
24 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
25 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
26 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
27 challenging court's subject matter jurisdiction was within its rights to object);
28 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,

1 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
2 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
3 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
4 discovery”). Responding Party objects to this request to the extent that it seeks
5 information that is protected from disclosure by the attorney-client privilege, work
6 product doctrine, or any other applicable privilege or protection. Responding Party
7 objects to this request to the extent that it is unreasonably cumulative or duplicative
8 of other requests for production. Responding Party objects to the to the extent that it
9 purports to require Responding Party to produce documents that contain trade
10 secrets of Responding Party, or other confidential business, financial, proprietary, or
11 sensitive information of Responding Party or third parties without entry of a
12 satisfactory confidentiality order. Responding Party further objects to this Request
13 on the grounds that Propounding Party has failed to comply with Cal. Civ. Proc.
14 Code § 2019.210, which requires Propounding Party to identify with reasonable
15 particularly the trade secrets it alleges that any defendant misappropriated before
16 commencing discovery, as required by Section H of the Court’s Scheduling Order
17 (Dkt. 95).

18 **REQUEST FOR PRODUCTION NO. 47:**

19 All Documents and Communications concerning Your holding Yourself or
20 Your employees, consultants, and other agents out as former Swan employees,
21 consultants, or agents.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 47:**

23 Responding Party incorporates by references the General Objections and
24 Objections to Definitions above as if fully set forth herein. Responding Party objects
25 to this request as premature because the Court lacks personal jurisdiction over
26 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
27 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
28 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,

1 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
2 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
3 ordering stay pending court's ruling on Rule 12 motion for lack of personal
4 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
5 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
6 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
7 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
8 challenging court's subject matter jurisdiction was within its rights to object);
9 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
10 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
11 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
12 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
13 discovery"). Responding Party objects to this request to the extent that it seeks
14 information that is protected from disclosure by the attorney-client privilege, work
15 product doctrine, or any other applicable privilege or protection. Responding Party
16 also objects to this request's demand as being compound, overbroad, overly
17 burdensome, and harassing, and as seeking documents that are not relevant to the
18 claims or defenses in this action. Responding Party further objects to this request on
19 the grounds that it is vague, overbroad and subjects Responding Party to
20 unreasonable and undue burden and expense. Responding Party also objects to this
21 request on the grounds and to the extent that it seeks information that is not in the
22 possession, custody or control of Responding Party and/or is equally or more readily
23 available from another source which is more convenient, less burdensome, or less
24 expensive. Responding Party objects to this request to the extent that it is
25 unreasonably cumulative or duplicative of other requests for production.
26 Responding Party objects to the request to the extent that it purports to require
27 Responding Party to produce documents that contain trade secrets of Responding
28 Party, or other confidential business, financial, proprietary, or sensitive information

1 of Responding Party or third parties without entry of a satisfactory confidentiality
2 order. Responding Party further objects to this Request on the grounds that
3 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
4 which requires Propounding Party to identify with reasonable particularity the trade
5 secrets it alleges that any defendant misappropriated before commencing discovery,
6 as required by Section H of the Court's Scheduling Order (Dkt. 95).

7 **REQUEST FOR PRODUCTION NO. 48:**

8 All Documents and Communications that You sent to actual or prospective
9 customers, investors, vendors, business partners, funding sources, or other parties
10 referencing or containing Swan's name, logo, or the names of Swan personnel.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 48:**

12 Responding Party incorporates by references the General Objections and
13 Objections to Definitions above as if fully set forth herein. Responding Party objects
14 to this request as premature because the Court lacks personal jurisdiction over
15 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
16 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
17 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
18 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
19 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
20 ordering stay pending court's ruling on Rule 12 motion for lack of personal
21 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
22 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
23 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
24 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
25 challenging court's subject matter jurisdiction was within its rights to object);
26 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
27 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
28 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087

(D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party also objects to this request’s demand as being compound, overbroad, overly burdensome, and harassing, and as seeking documents that are not relevant to the claims or defenses in this action. Responding Party further objects to this request on the grounds that it is vague, overbroad and subjects Responding Party to unreasonable and undue burden and expense. Responding Party also objects to this request on the grounds and to the extent that it seeks information that is not in the possession, custody or control of Responding Party and/or is equally or more readily available from another source which is more convenient, less burdensome, or less expensive. Responding Party objects to this request to the extent that it is unreasonably cumulative or duplicative of other requests for production. Responding Party objects to the request to the extent that it purports to require Responding Party to produce documents that contain trade secrets of Responding Party, or other confidential business, financial, proprietary, or sensitive information of Responding Party or third parties without entry of a satisfactory confidentiality order. Responding Party also objects to this request for “All Documents and Communications” on the grounds that it is overbroad and subjects Responding Party to unreasonable and undue annoyance, oppression, burden, and expense. Responding Party further objects to this Request on the grounds that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify with reasonable particularity the trade secrets it alleges that any defendant misappropriated before commencing discovery, as required by Section H of the Court’s Scheduling Order (Dkt. 95).

REQUEST FOR PRODUCTION NO. 49:

All Documents and Communications concerning any statements made by You

1 and/or Your employees, consultants, independent contractors, and other agents
2 disparaging or otherwise saying anything negative about Swan.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49:**

4 Responding Party incorporates by references the General Objections and
5 Objections to Definitions above as if fully set forth herein. Responding Party objects
6 to this request as premature because the Court lacks personal jurisdiction over
7 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
8 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
9 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
10 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
11 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
12 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
13 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
14 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
15 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
16 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
17 challenging court’s subject matter jurisdiction was within its rights to object);
18 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
19 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
20 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
21 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
22 discovery”). Responding Party objects to this request to the extent that it seeks
23 information that is protected from disclosure by the attorney-client privilege, work
24 product doctrine, or any other applicable privilege or protection. Responding Party
25 also objects to this request’s demand as being compound, overbroad, overly
26 burdensome, and harassing, and as seeking documents that are not relevant to the
27 claims or defenses in this action. Responding Party further objects to this request on
28 the grounds that it is vague, overbroad and subjects Responding Party to

1 unreasonable and undue burden and expense. Responding Party also objects to this
2 request on the grounds and to the extent that it seeks information that is not in the
3 possession, custody or control of Responding Party and/or is equally or more readily
4 available from another source which is more convenient, less burdensome, or less
5 expensive. Responding Party objects to this request to the extent that it is
6 unreasonably cumulative or duplicative of other requests for production.

7 Responding Party objects to the request to the extent that it purports to require
8 Responding Party to produce documents that contain trade secrets of Responding
9 Party, or other confidential business, financial, proprietary, or sensitive information
10 of Responding Party or third parties without entry of a satisfactory confidentiality
11 order. Responding Party also objects to this request for “All Documents and
12 Communications” on the grounds that it is overbroad and subjects Responding Party
13 to unreasonable and undue annoyance, oppression, burden, and expense.

14 Responding Party further objects to this Request on the grounds that Propounding
15 Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires
16 Propounding Party to identify with reasonable particularity the trade secrets it alleges
17 that any defendant misappropriated before commencing discovery, as required by
18 Section H of the Court’s Scheduling Order (Dkt. 95).

19 **REQUEST FOR PRODUCTION NO. 50:**

20 All Documents and Communications concerning any statements made by You
21 and/or Your employees, consultants, independent contractors, and other agents
22 praising or otherwise saying anything positive about Swan.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 50:**

24 Responding Party incorporates by references the General Objections and
25 Objections to Definitions above as if fully set forth herein. Responding Party objects
26 to this request as premature because the Court lacks personal jurisdiction over
27 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
28 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper

1 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
2 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
3 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
4 ordering stay pending court's ruling on Rule 12 motion for lack of personal
5 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
6 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
7 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
8 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
9 challenging court's subject matter jurisdiction was within its rights to object);
10 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
11 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
12 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
13 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
14 discovery"). Responding Party objects to this request to the extent that it seeks
15 information that is protected from disclosure by the attorney-client privilege, work
16 product doctrine, or any other applicable privilege or protection. Responding Party
17 also objects to this request's demand as being compound, overbroad, overly
18 burdensome, and harassing, and as seeking documents that are not relevant to the
19 claims or defenses in this action. Responding Party further objects to this request on
20 the grounds that it is vague, overbroad and subjects Responding Party to
21 unreasonable and undue burden and expense. Responding Party also objects to this
22 request on the grounds and to the extent that it seeks information that is not in the
23 possession, custody or control of Responding Party and/or is equally or more readily
24 available from another source which is more convenient, less burdensome, or less
25 expensive. Responding Party objects to this request to the extent that it is
26 unreasonably cumulative or duplicative of other requests for production.
27 Responding Party objects to the request to the extent that it purports to require
28 Responding Party to produce documents that contain trade secrets of Responding

1 Party, or other confidential business, financial, proprietary, or sensitive information
2 of Responding Party or third parties without entry of a satisfactory confidentiality
3 order. Responding Party also objects to this request for “All Documents and
4 Communications” on the grounds that it is overbroad and subjects Responding Party
5 to unreasonable and undue annoyance, oppression, burden, and expense.
6 Responding Party further objects to this Request on the grounds that Propounding
7 Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires
8 Propounding Party to identify with reasonable particularity the trade secrets it alleges
9 that any defendant misappropriated before commencing discovery, as required by
10 Section H of the Court’s Scheduling Order (Dkt. 95).

11 **REQUEST FOR PRODUCTION NO. 51:**

12 All Documents or Communications concerning Your employees, consultants,
13 and other agents’ who formerly provided services to Swan ceasing their
14 engagements with Swan, including but not limited to Documents or
15 Communications concerning such persons’ resignations from Swan.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 51:**

17 Responding Party incorporates by references the General Objections and
18 Objections to Definitions above as if fully set forth herein. Responding Party objects
19 to this request as premature because the Court lacks personal jurisdiction over
20 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
21 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
22 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
23 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
24 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
25 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
26 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
27 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
28 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2

(N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant challenging court’s subject matter jurisdiction was within its rights to object); *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB, 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of discovery”). Responding Party objects to this request to the extent that it seeks information that is protected from disclosure by the attorney-client privilege, work product doctrine, or any other applicable privilege or protection. Responding Party also objects to this request’s demand as being compound, overbroad, overly burdensome, and harassing, and as seeking documents that are not relevant to the claims or defenses in this action. Responding Party further objects to this request on the grounds that it is vague, overbroad and subjects Responding Party to unreasonable and undue burden and expense. Responding Party also objects to this request on the grounds and to the extent that it seeks information that is not in the possession, custody or control of Responding Party and/or is equally or more readily available from another source which is more convenient, less burdensome, or less expensive. Responding Party objects to this request to the extent that it is unreasonably cumulative or duplicative of other requests for production. Responding Party objects to the request to the extent that it purports to require Responding Party to produce documents that contain trade secrets of Responding Party, or other confidential business, financial, proprietary, or sensitive information of Responding Party or third parties without entry of a satisfactory confidentiality order. Responding Party also objects to this request for “All Documents and Communications” on the grounds that it is overbroad and subjects Responding Party to unreasonable and undue annoyance, oppression, burden, and expense. Responding Party further objects to this Request on the grounds that Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210, which requires

1 Propounding Party to identify with reasonable particularity the trade secrets it alleges
2 that any defendant misappropriated before commencing discovery, as required by
3 Section H of the Court's Scheduling Order (Dkt. 95).

4 **REQUEST FOR PRODUCTION NO. 52:**

5 Documents and Communications concerning the reasons why any of Your
6 employees, consultants, and other agents who formerly provided services to Swan
7 no longer provide those services to Swan, including but not limited to Documents
8 and Communications concerning why any such persons resigned from Swan.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 52:**

10 Responding Party incorporates by references the General Objections and
11 Objections to Definitions above as if fully set forth herein. Responding Party objects
12 to this request as premature because the Court lacks personal jurisdiction over
13 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
14 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
15 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
16 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
17 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
18 ordering stay pending court's ruling on Rule 12 motion for lack of personal
19 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
20 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
21 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
22 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
23 challenging court's subject matter jurisdiction was within its rights to object);
24 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
25 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
26 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
27 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
28 discovery"). Responding Party objects to this request to the extent that it seeks

1 information that is protected from disclosure by the attorney-client privilege, work
2 product doctrine, or any other applicable privilege or protection. Responding Party
3 also objects to this request's demand as being compound, overbroad, overly
4 burdensome, and harassing, and as seeking documents that are not relevant to the
5 claims or defenses in this action. Responding Party further objects to this request on
6 the grounds that it is vague, overbroad and subjects Responding Party to
7 unreasonable and undue burden and expense. Responding Party also objects to this
8 request on the grounds and to the extent that it seeks information that is not in the
9 possession, custody or control of Responding Party and/or is equally or more readily
10 available from another source which is more convenient, less burdensome, or less
11 expensive. Responding Party objects to this request to the extent that it is
12 unreasonably cumulative or duplicative of other requests for production.
13 Responding Party objects to the request to the extent that it purports to require
14 Responding Party to produce documents that contain trade secrets of Responding
15 Party, or other confidential business, financial, proprietary, or sensitive information
16 of Responding Party or third parties without entry of a satisfactory confidentiality
17 order. Responding Party further objects to this Request on the grounds that
18 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
19 which requires Propounding Party to identify with reasonable particularity the trade
20 secrets it alleges that any defendant misappropriated before commencing discovery,
21 as required by Section H of the Court's Scheduling Order (Dkt. 95).

22 **REQUEST FOR PRODUCTION NO. 53:**

23 All Communications between You and Marlin Capital, including but not
24 limited to Communications between You and Zachary Lyons.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 53:**

26 Responding Party incorporates by references the General Objections and
27 Objections to Definitions above as if fully set forth herein. Responding Party objects
28 to this request as premature because the Court lacks personal jurisdiction over

1 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
2 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
3 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
4 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
5 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
6 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
7 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
8 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
9 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
10 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
11 challenging court’s subject matter jurisdiction was within its rights to object);
12 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
13 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
14 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
15 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
16 discovery”). Responding Party objects to this request to the extent that it seeks
17 information that is protected from disclosure by the attorney-client privilege, work
18 product doctrine, or any other applicable privilege or protection. Responding Party
19 also objects to this request’s demand as being compound, overbroad, overly
20 burdensome, and harassing, and as seeking documents that are not relevant to the
21 claims or defenses in this action. Responding Party further objects to this request on
22 the grounds that it is vague, overbroad and subjects Responding Party to
23 unreasonable and undue burden and expense. Responding Party also objects to this
24 request on the grounds and to the extent that it seeks information that is not in the
25 possession, custody or control of Responding Party and/or is equally or more readily
26 available from another source which is more convenient, less burdensome, or less
27 expensive. Responding Party objects to this request to the extent that it is
28 unreasonably cumulative or duplicative of other requests for production.

1 Responding Party objects to the request to the extent that it purports to require
2 Responding Party to produce documents that contain trade secrets of Responding
3 Party, or other confidential business, financial, proprietary, or sensitive information
4 of Responding Party or third parties without entry of a satisfactory confidentiality
5 order. Responding Party also objects to this request for “All Communications” on
6 the grounds that it is overbroad and subjects Responding Party to unreasonable and
7 undue annoyance, oppression, burden, and expense. Responding Party further
8 objects to this Request on the grounds that Propounding Party has failed to comply
9 with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify
10 with reasonable particularity the trade secrets it alleges that any defendant
11 misappropriated before commencing discovery, as required by Section H of the
12 Court’s Scheduling Order (Dkt. 95).

13 **REQUEST FOR PRODUCTION NO. 54:**

14 Documents sufficient to identify all travel by You, including but not limited
15 to Your employees, consultants, and other agents, to California and/or the United
16 States during the Relevant Period.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 54:**

18 Responding Party incorporates by references the General Objections and
19 Objections to Definitions above as if fully set forth herein. Responding Party objects
20 to this request as premature because the Court lacks personal jurisdiction over
21 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
22 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
23 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
24 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
25 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
26 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
27 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
28 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*

1 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
2 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
3 challenging court’s subject matter jurisdiction was within its rights to object);
4 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
5 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
6 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
7 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
8 discovery”). Responding Party objects to this request to the extent that it seeks
9 information that is protected from disclosure by the attorney-client privilege, work
10 product doctrine, or any other applicable privilege or protection. Responding Party
11 objects to this request to the extent that it is unreasonably cumulative or duplicative
12 of other requests for production. Responding Party objects to the request to the
13 extent that it purports to require Responding Party to produce documents that
14 contain trade secrets of Responding Party, or other confidential business, financial,
15 proprietary, or sensitive information of Responding Party or third parties without
16 entry of a satisfactory confidentiality order. Responding Party further objects to this
17 Request on the grounds that Propounding Party has failed to comply with Cal. Civ.
18 Proc. Code § 2019.210, which requires Propounding Party to identify with
19 reasonable particularity the trade secrets it alleges that any defendant
20 misappropriated before commencing discovery, as required by Section H of the
21 Court’s Scheduling Order (Dkt. 95).

22 **REQUEST FOR PRODUCTION NO. 55:**

23 Documents and Communications regarding business, customer, corporate, or
24 other relationships between You and Ilios Corp.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55:**

26 Responding Party incorporates by references the General Objections and
27 Objections to Definitions above as if fully set forth herein. Responding Party objects
28 to this request as premature because the Court lacks personal jurisdiction over

1 Proton, and Proton has filed a Motion to Dismiss Swan’s Amended Complaint under
2 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
3 and should be stayed where a party is challenging a court’s jurisdiction. See, e.g.,
4 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
5 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
6 ordering stay pending court’s ruling on Rule 12 motion for lack of personal
7 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
8 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
9 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
10 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
11 challenging court’s subject matter jurisdiction was within its rights to object);
12 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
13 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
14 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
15 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
16 discovery”). Responding Party objects to this request to the extent that it seeks
17 information that is protected from disclosure by the attorney-client privilege, work
18 product doctrine, or any other applicable privilege or protection. Responding Party
19 also objects to this request’s demand as being compound, overbroad, overly
20 burdensome, and harassing, and as seeking documents that are not relevant to the
21 claims or defenses in this action. Responding Party further objects to this request on
22 the grounds that it is vague, overbroad and subjects Responding Party to
23 unreasonable and undue burden and expense. Responding Party also objects to this
24 request on the grounds and to the extent that it seeks information that is not in the
25 possession, custody or control of Responding Party and/or is equally or more readily
26 available from another source which is more convenient, less burdensome, or less
27 expensive. Responding Party objects to this request to the extent that it is
28 unreasonably cumulative or duplicative of other requests for production.

1 Responding Party objects to the request to the extent that it purports to require
2 Responding Party to produce documents that contain trade secrets of Responding
3 Party, or other confidential business, financial, proprietary, or sensitive information
4 of Responding Party or third parties without entry of a satisfactory confidentiality
5 order. Responding Party further objects to this Request on the grounds that
6 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
7 which requires Propounding Party to identify with reasonable particularity the trade
8 secrets it alleges that any defendant misappropriated before commencing discovery,
9 as required by Section H of the Court's Scheduling Order (Dkt. 95).

10 **REQUEST FOR PRODUCTION NO. 56:**

11 Documents and Communications between You and any United States
12 governmental agency, California governmental agency, or Wyoming governmental
13 agency.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 56:**

15 Responding Party incorporates by references the General Objections and
16 Objections to Definitions above as if fully set forth herein. Responding Party objects
17 to this request as premature because the Court lacks personal jurisdiction over
18 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
19 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
20 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
21 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
22 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
23 ordering stay pending court's ruling on Rule 12 motion for lack of personal
24 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
25 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
26 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
27 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
28 challenging court's subject matter jurisdiction was within its rights to object);

1 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
2 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
3 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
4 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
5 discovery”). Responding Party objects to this request to the extent that it seeks
6 information that is protected from disclosure by the attorney-client privilege, work
7 product doctrine, or any other applicable privilege or protection. Responding Party
8 also objects to this request’s demand as being compound, overbroad, overly
9 burdensome, and harassing, and as seeking documents that are not relevant to the
10 claims or defenses in this action. Responding Party further objects to this request on
11 the grounds that it is vague, overbroad and subjects Responding Party to
12 unreasonable and undue burden and expense. Responding Party also objects to this
13 request on the grounds and to the extent that it seeks information that is not in the
14 possession, custody or control of Responding Party and/or is equally or more readily
15 available from another source which is more convenient, less burdensome, or less
16 expensive. Responding Party objects to this request to the extent that it is
17 unreasonably cumulative or duplicative of other requests for production.
18 Responding Party objects to the request to the extent that it purports to require
19 Responding Party to produce documents that contain trade secrets of Responding
20 Party, or other confidential business, financial, proprietary, or sensitive information
21 of Responding Party or third parties without entry of a satisfactory confidentiality
22 order. Responding Party further objects to this Request on the grounds that
23 Propounding Party has failed to comply with Cal. Civ. Proc. Code § 2019.210,
24 which requires Propounding Party to identify with reasonable particularity the trade
25 secrets it alleges that any defendant misappropriated before commencing discovery,
26 as required by Section H of the Court’s Scheduling Order (Dkt. 95).

1 **REQUEST FOR PRODUCTION NO. 57:**

2 Documents sufficient to identify the GitHub repository or repositories used to
3 store any source code used by You related to Bitcoin mining.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 57:**

5 Responding Party incorporates by references the General Objections and
6 Objections to Definitions above as if fully set forth herein. Responding Party objects
7 to this request as premature because the Court lacks personal jurisdiction over
8 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
9 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
10 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
11 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
12 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
13 ordering stay pending court's ruling on Rule 12 motion for lack of personal
14 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
15 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
16 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
17 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
18 challenging court's subject matter jurisdiction was within its rights to object);
19 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,
20 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant's motion to stay
21 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
22 (D. Nev. 2022) ("a personal jurisdiction challenge generally favors a stay of
23 discovery"). Responding Party objects to this request to the extent that it seeks
24 information that is protected from disclosure by the attorney-client privilege, work
25 product doctrine, or any other applicable privilege or protection. Responding Party
26 objects to this request to the extent that it is unreasonably cumulative or duplicative
27 of other requests for production. Responding Party objects to the request to the
28 extent that it purports to require Responding Party to produce documents that

1 contain trade secrets of Responding Party, or other confidential business, financial,
2 proprietary, or sensitive information of Responding Party or third parties without
3 entry of a satisfactory confidentiality order. Responding Party further objects to this
4 Request on the grounds that Propounding Party has failed to comply with Cal. Civ.
5 Proc. Code § 2019.210, which requires Propounding Party to identify with
6 reasonable particularity the trade secrets it alleges that any defendant
7 misappropriated before commencing discovery, as required by Section H of the
8 Court's Scheduling Order (Dkt. 95).

9 **REQUEST FOR PRODUCTION NO. 58:**

10 All Documents, including source code, maintained on GitHub by the GitHub
11 organization "elektron-tech," including but not limited to all Documents housed in
12 the repository named "nxt."

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 58:**

14 Responding Party incorporates by references the General Objections and
15 Objections to Definitions above as if fully set forth herein. Responding Party objects
16 to this request as premature because the Court lacks personal jurisdiction over
17 Proton, and Proton has filed a Motion to Dismiss Swan's Amended Complaint under
18 Rule 12(b)(2) for lack of personal jurisdiction. (Dkt. 121.) Discovery is improper
19 and should be stayed where a party is challenging a court's jurisdiction. See, e.g.,
20 *Stussy, Inc. v. Shein*, No. 8:22-cv-00379-CJC-KESx, 2022 U.S. Dist. LEXIS
21 219209, at *18 (C.D. Cal., Sept. 23, 2022) (denying motion to compel discovery and
22 ordering stay pending court's ruling on Rule 12 motion for lack of personal
23 jurisdiction); *Cooper v. Shoei Safety Helmet Corp.*, No. 2:17-CV-03129-JAD-EJY,
24 2019 U.S. Dist. LEXIS 215343, at *6-7 (D. Nev. Dec. 9, 2019) (same); *Canter &*
25 *Assocs., LLC v. Teachscape, Inc.*, No. C 07-3225 RS, 2008 WL 191978, at *1, n. 2
26 (N.D. Cal. Jan. 22, 2008) (denying motion to compel and stating defendant
27 challenging court's subject matter jurisdiction was within its rights to object);
28 *United States v. Dynamic Medical Systems, LLC*, No. 1:17-cv-01757-NONE-SAB,

1 2020 U.S. Dist. LEXIS 99338, at *3-4, 19 (granting defendant’s motion to stay
2 discovery pending motion to dismiss); *PlayUp, Inc. v. Mintas*, 635 F. Supp 3d 1087
3 (D. Nev. 2022) (“a personal jurisdiction challenge generally favors a stay of
4 discovery”). Responding Party objects to this request to the extent that it seeks
5 information that is protected from disclosure by the attorney-client privilege, work
6 product doctrine, or any other applicable privilege or protection. Responding Party
7 also objects to this request’s demand as being compound, overbroad, overly
8 burdensome, and harassing, and as seeking documents that are not relevant to the
9 claims or defenses in this action. Responding Party further objects to this request on
10 the grounds that it is vague, overbroad and subjects Responding Party to
11 unreasonable and undue burden and expense. Responding Party also objects to this
12 request on the grounds and to the extent that it seeks information that is not in the
13 possession, custody or control of Responding Party and/or is equally or more readily
14 available from another source which is more convenient, less burdensome, or less
15 expensive. Responding Party objects to this request to the extent that it is
16 unreasonably cumulative or duplicative of other requests for production.
17 Responding Party objects to the request to the extent that it purports to require
18 Responding Party to produce documents that contain trade secrets of Responding
19 Party, or other confidential business, financial, proprietary, or sensitive information
20 of Responding Party or third parties without entry of a satisfactory confidentiality
21 order. Responding Party also objects to this request for “All Documents” on the
22 grounds that it is overbroad and subjects Responding Party to unreasonable and
23 undue annoyance, oppression, burden, and expense. Responding Party further
24 objects to this Request on the grounds that Propounding Party has failed to comply
25 with Cal. Civ. Proc. Code § 2019.210, which requires Propounding Party to identify
26 with reasonable particularity the trade secrets it alleges that any defendant
27 misappropriated before commencing discovery, as required by Section H of the
28 Court’s Scheduling Order (Dkt. 95).

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Dated: March 28, 2025

BERGESON, LLP

By: 

Jaideep Venkatesan

Attorneys for Specially Appearing Defendant
PROTON MANAGEMENT LTD.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Santa Clara, State of California. My business address is 111 N. Market Street, Suite 600, San Jose, CA 95113.

On March 28, 2025, I served true copies of the following document(s) described as: **SPECIALLY APPEARING DEFENDANT PROTON MANAGEMENT LTD'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS** on the interested parties in this action as follows:

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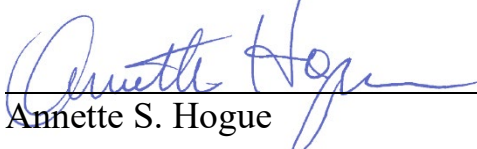
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1 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of
2 the document(s) to be sent from e-mail address ahogue@be-law.com to the persons
3 at the e-mail addresses listed in the Service List. I did not receive, within a
reasonable time after the transmission, any electronic message or other indication
that the transmission was unsuccessful.

4 I declare under penalty of perjury under the laws of the United States of
5 America that the foregoing is true and correct and that I am employed in the office
of a member of the bar of this Court at whose direction the service was made.

6 Executed on March 28, 2025, at San Jose, California.

7
8 
9 Annette S. Hogue